

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Thoughts from the St. Louis Meeting

Many have expressed the belief that the program of our annual meeting in St. Louis, November 8 and 9, was one of the most stimulating in recent years. The addresses will be published in the NATIONAL MUNICIPAL REVIEW, but our readers may be interested in a few excerpts at this time.

Prof. Thomas H. Reed was the first speaker. Having but recently returned from an extended study of the government of metropolitan regions in Europe, he was able to say with authority:

The evidence of metropolitan experience in Europe and America leads to three conclusions:

1. The creation of metropolitan commissions for particular purposes is at best a makeshift—to be justified only as such.

2. A strong municipal authority possessed of general powers of local government organized for the whole metropolis, with a reasonable fringe of unoccupied territory for future development, is the only permanently satisfactory provision for the satisfaction of metropolitan needs.

3. All such gigantic municipalities must be subdivided into boroughs or districts corresponding as near as may be with pre-existing municipal units or suburbs of the present city.

THE SKYSCRAPER

Major Henry H. Curran, who is leading the fight against the skyscraper in New York had this to say:

The worst enemy of the American city today is the skyscraper. It is true that in some cities this modern form of monster has not yet in-

creased and multiplied to a point of peril. It is true that in some others, the blow has not yet fallen, though the danger is in sight. But it is also true that in still some other cities, the skyscraper has already become a plague that we may well range alongside our ancient city scourges of cholera, yellow fever, tuberculosis and slums.

EDUCATION COSTS

Dr. A. Ross Hill, a trustee of the Carnegie Foundation and former president of the University of Missouri, spoke on a question which is coming more and more to the front, "Are We Spending Too Much for Education?" He said:

But does the system of education for which we are paying so much justify itself by its results? Aye, there's the rub! It is charged that the product of our system is characterized by flabbiness of intellect, inaccuracy of information, superficiality of interests, and a lack of mastery of even the mother tongue amounting almost to illiteracy; also that we spend 16 years in doing what European schools do in twelve. Unfortunately there is a measure of truth in these charges, and the question is pertinent; how can student's time or the money of the taxpayer be saved or used to better advantage?

The many who have come to await with interest any deliverance which Alfred Bettman, Esq., may make on the law of city planning and zoning were keenly disappointed at the announcement that a severe attack of grippe would prevent him from appearing on the program. His paper on "Necessary Next Steps in City Plan-

ning Legislation" will be published next month.

CITY MANAGER GOVERNMENT

The session on city manager government was also the victim of illness. Laryngitis kept Prof. Leonard D. White at home and the delegates were denied the benefit of his six months' tour of manager cities. Dr. A. R. Hatton defended the manager plan in his usual fluent manner and Walter Matscheck of Kansas City related that city's experience to date with a manager who undertakes to operate on an avowedly partisan basis. While the results have therefore been not what they should have been the situation can be remedied if the people will enforce the spirit of the new charter.

The charter principles of fixed responsibility, of simplified organization and of more definite authority are established. The administration has improved financial procedure, it is proceeding on a plan to pay off the city deficit, it is planning the improvement of the fire and hospital services with bond money voted last year. The old civil service suits are progressing satisfactorily in favor of the city. In the public works department, there have been some improvements, and work is under way for additional betterment.

Although Professor White declines at this time to report in the REVIEW his findings on the success of the manager plan, it is violating no confidence to report the following paragraph from his press statement, which was published throughout the United States:

The city manager plan has shown outstanding merit in eliminating politics from the conduct of city business, in securing the same care in the use of public funds, and in the high grade technical operation of municipal services. The managers themselves are usually well qualified by business and engineering training and experience to carry on the city business and have exemplified a high sense of loyalty and faithfulness to the public interests.

The city manager cities have solved the prob-

lem of technical administration except insofar as they have been unable to protect their work from interference by the council. They have not solved the problem of political or community leadership. They have not adequately provided for training for the profession, nor for providing systematic thought with regard to the major strategy of their position in municipal government.

PUBLIC UTILITIES

Dr. John Bauer, who edits our Public Utilities Department each month, expressed the belief that although public utility regulation has been a failure because of inability to define principles and the cumbersome methods which have been followed, the situation is not hopeless.

While the companies are entitled to a "fair return," no workable measure of what is fair has ever been definitely laid down by the legislatures or approved by the courts. Consequently, at every proposed change in rates, there is a long-drawn out controversy over the "fair value" to be determined and the "fair rate" of return allowed. No one is ever satisfied with a decision by the commission, and the same matter has to be gone over again and again, without ever settling anything either as to principle or facts. The condition can be cured through a positive legislative program, rates to be based upon actual cost, including all elements of cost.

Both street railway operators and the public are in doubt as to what form the street transportation of the future will take. Mitten Management, which controls the Philadelphia Rapid Transit Company, has been experimenting and has concluded that the street car is anything but a back number. J. M. Shaw, director of public relations of the P. R. T., said:

The street car is now and is likely to continue to be the backbone of city transportation. The motorbus has found a place of increasing usefulness in supplying boulevard service and in serving as feeder lines in outlying sections as well as in communities where the large initial investment in track and overhead is not justified. High-speed lines under and over the ground have contributed much in densely populated cities. The

private automobile has won the hearts of many who formerly used the means of public transportation. All of these facilities, however, have limitations which prevent them from replacing the street car as the best means which the science of transportation has yet developed for moving large numbers of people in closely built-up communities.

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Borough Government for a Metropolis

Mr. Wright, former editor of the Canadian Municipal Journal, in an article in this issue of the REVIEW on federated government for Montreal, expresses himself in agreement with the principle of the plan of borough government for the metropolitan district of Pittsburgh which was described in our September issue. A similar plan, he writes, is now being considered for adoption in Montreal.

It is not clear from Mr. Wright's article how the latter plan is to be put into effect and what procedure is to be provided for amending it in the future, but the arrangements adopted to that end in Pittsburgh are not satisfactory as an abstract proposition, although perhaps the best that the local situation will permit. There, the plan has been incorporated very largely in a constitutional amendment with the result that it will be exceedingly difficult to introduce fundamental changes, once it has been adopted. The adoption of the charter is made contingent upon a two-thirds vote in a majority of the municipalities comprising the metropolitan area, and any amendment which would curtail the powers of the constituent municipalities will need the approval of a majority vote in a majority of the municipalities. This is likely to prevent the grant of substantial powers to the central authority and to make exceedingly difficult the adoption of any charter whatever. Apparently, in Montreal, it is proposed that the scheme shall be handed down by the legislature and that more substantial powers shall be granted to the

central authority with greater flexibility in the system.

Perhaps Mr. Wright is a little too emphatic when he speaks of the success which the borough form of government has had in London. That there is considerable dissatisfaction, at least with some phases of the scheme, is shown by the agitation carried on in recent years for some readjustment in the relations between the London County Council and the metropolitan boroughs, and by the fact that a special Royal Commission recently made a survey of the subject. An examination of the volumes of testimony taken by that commission and the reports of its deliberations reveal some holes in the London scheme of government, and an appraisal of its merits is not easy.

But irrespective of Pittsburgh and London, the plan proposed for Montreal carries the problem of metropolitan government one step nearer solution and we trust that the efforts of Mr. Wright and his associates will meet with success.

P. S.

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Public Schools Need Sound Financial Administration

In our issue of last November we raised the question whether our public school boards were operating economically and at maximum efficiency. We pointed out the amazing increase in public school expenditures and called attention to the fact that school administration should receive the same critical treatment as the other departments of municipal government. Recent word from Des Moines, Iowa, gives further evidence of the seriousness of the situation. Within the past ten years the annual school levy of that city has increased from \$917,000 to \$2,990,000, as compared with the city tax levy of \$1,173,000 in 1917 and \$2,784,000 in 1926. Moreover the school levy is not as high as it should be be-

cause it does not make proper provision for the retirement of a large portion of the outstanding bonds. Practically all the Des Moines school bonds are of the term variety and no sinking fund is being accumulated to meet them when their payments fall due.

How many other cities are, in a similar manner, heading straight towards destruction? Evil practices of this kind have been dragged to light in city government and steps are being taken in many cities to place their bond practices on a sound and honest basis. Isn't it time that we demand the same honesty and sanity from our school boards?

New York Regulates Night Life

All doubts as to whether New York City is really enjoying a reform administration have been removed by the passage of a local law requiring night clubs and cabarets to close at 3:00 A. M. Mayor Walker, whose presence at a night club no longer lends its distinction, became convinced by a first-hand study that workingmen on way to the day's job in the morning should not be compelled to gaze upon the idle rich in evening dress on way to bed. The closing law met unexpected opposition in the board of aldermen, some of whom saw no evil in continuing until daylight if the revelers felt like it.

But the reform instincts of one famous and picturesque alderman carried him even further than the Mayor. As if Mayor Walker's curfew bill did not contain worries enough for proprietors of cabarets, Alderman McGuinness has introduced a measure providing that no cabaret, restaurant or night club shall receive a license if it demands or accepts an admission fee or cover charge. Probably those who make regular business trips to New York City will favor this law, which however seems to have little chance of

passage by the aldermen. Nevertheless no one can now charge that the eastern metropolis is completely and hopelessly depraved. The administration has accomplished the one outstanding reform promised, and the cabaret owners have this word of encouragement from a newspaper poet:

"Hush, little night club, don't you cry.
You'll be a day lunch, bye and bye."

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The Review Passes Another Anniversary

With this issue the NATIONAL MUNICIPAL REVIEW enters its sixteenth year. First published in 1912, it continued as a quarterly until 1919 when increasing prosperity and wealth of subject matter put it on a bi-monthly basis. Since May, 1919, it has been issued monthly.

The REVIEW was started in Mr. Woodruff's régime as secretary of the National Municipal League. He continued as the devoted editor until the decision was made to publish it monthly, when Richard S. Childs as a volunteer took charge of the editorial and major articles departments, Mr. Woodruff continuing to manage the publishing and editing the Notes and Events. The present incumbent took charge in April, 1920.

Space forbids mentioning the names of the many who by unselfish service from our earliest days have made the REVIEW possible. It is not read as widely as we should like. However, we are constrained to believe that it has been a direct and important influence in the improvement of municipal government during the last fifteen years. No book appears on the subject without repeated references to articles in our pages. This is being written two days before Christmas and the traditional mental attitude of the season is cheerfulness and optimism. So we may be forgiven if we state it as our belief that the REVIEW has been no mean accomplishment.

THE BISCAYNE BOULEVARD COMPETITION

BY DALE JAMES

Secretary, Biscayne Boulevard Association, Miami, Florida

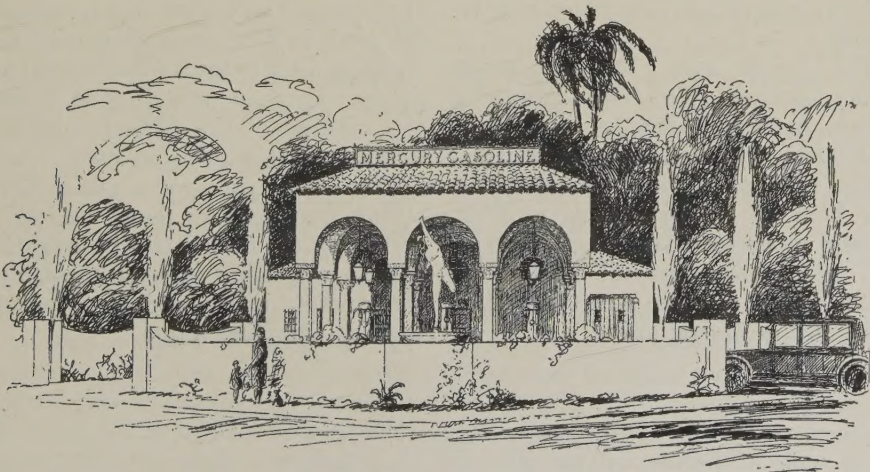
*Because street lights, traffic signals and filling stations are useful,
it is not necessary that they be ugly. :: :: :: :: ::*

BISCAYNE BOULEVARD, cutting through fourteen improved city blocks and requiring the widening of a narrow street through nineteen improved blocks, is the most radical street improvement ever undertaken in Miami. When completed, it will furnish the city a new hundred-foot entrance street from the North extending from N. E. Fifty-fifth Street to S. E. Second Street, a distance of $3\frac{1}{2}$ miles. It passes through fine residential and business sections and presents to the incoming motorist a sweeping view of bay, park, tall buildings and harbor. Its natural features indicate that it can be made one of the most beautiful streets in America. It consists of a 65-foot roadway with $17\frac{1}{2}$ -foot sidewalks and parkways, which will be planted with

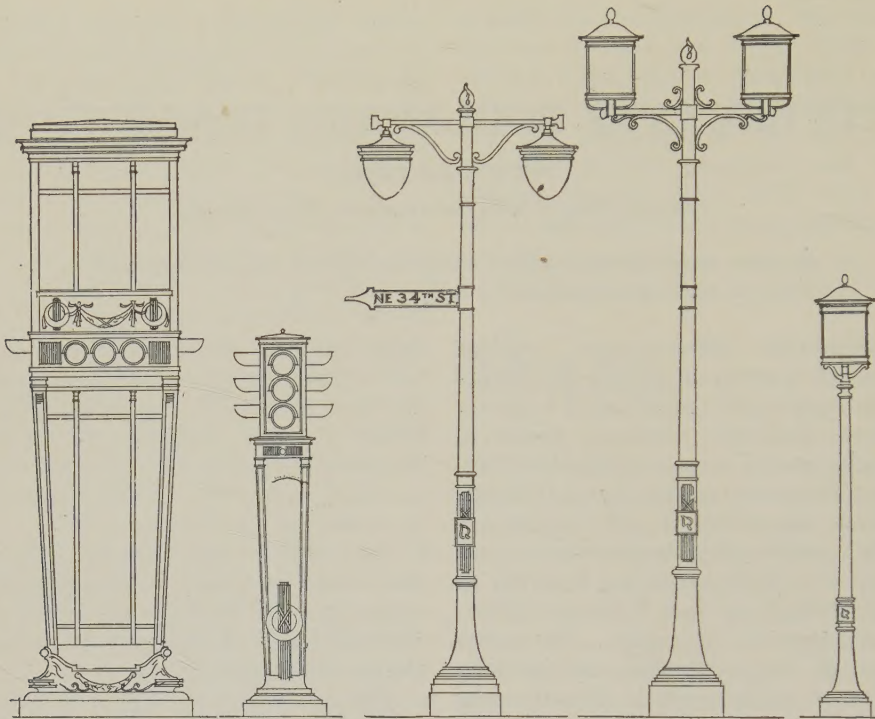
royal palms. At its southern end, where it skirts the new Bay Front park, it widens out to 230 feet, and in Miami Plaza, between Fortieth and Forty-fourth Streets, it is 180 feet wide with a central promenade. It will be opened to traffic early in January, 1927.

Recently a competition was held to determine the most satisfactory designs for street traffic signal and lighting standards, as well as for the best design of filling stations.

The jury of awards granted the first prize of \$1,000 for street traffic signal and lighting standards to S. Grillo, New York. The first prize of \$750 for a model filling station was awarded to H. Roy Kelley, Los Angeles, who also won the second prize of \$600 for traffic and lighting standards. The



FIRST PRIZE DESIGN FOR FILLING STATION. BY H. ROY KELLEY



SOME PRIZE WINNING TRAFFIC SIGNALS AND LIGHT STANDARDS

second prize of \$400 for a filling station was awarded to Edgar Albright, New York.

The total number of awards and mentions in the two competitions was twenty, carrying prizes amounting to \$4,650.

The jurors were Dwight James Baum, architect, New York, Elmer C. Jensen, architect, Chicago, and James H. Gilman, city commissioner, Miami.

The purpose of these competitions was both to obtain designs of high artistic value for Biscayne Boulevard and to stimulate general interest in better design of these structures than those now in general use.

The competitions produced a total of ninety-three designs coming from all sections of the United States and also from France, England and Germany. In the opinion of the jury, the competitions were highly successful, both in producing designs of outstanding beauty for its Boulevard, and as an important contribution toward the solution of the difficult problems of design with which they dwell.

The competition for a model filling station produced so many designs of merit that the Association believes they will be of general interest throughout the country and purposes to publish them in pamphlet form.

HOW BALTIMORE ENFORCES ACCURATE WEIGHTS AND MEASURES

BY S. T. GRIFFITH

Chief, Division of Weights and Measures, City of Baltimore

Each weighing and measuring device in the city is inspected at least twice a year. :: :: :: :: :: :: :: ::

To most people the work involved in the supervision of weighing and measuring instruments is only a vague theory, and the application of weights and measures laws of but little practical value. Most of us, so far as correct weighing and measuring is concerned, are "penny wise and pound foolish." We carefully count the pennies received in change, but pay little, if any, heed to the ounces, pounds or even scores of pounds that may be lost through the use of inaccurate instruments.

Honest weights and measures are in use in greater numbers in Baltimore today than ever before. Closer application of the laws affecting weighing and measuring, together with a more careful inspection of the instruments found in use, naturally has brought about a decided improvement in the condition of apparatus in the city. The use of correct scales and measures by housewives and the frequent checking of the weights of commodities purchased has increased materially during the past year. This is evidenced by the fewer complaints received from this source about improper weights. Such supervision by the housewives over their purchases is a most valuable aid to the division of weights and measures, — and this office strongly advocates and welcomes the use of its facilities to their widest capacity by all the people in their personal and family purchases.

Every purchaser should know how to read weighing and measuring devices and should make it a habit to do so, carefully noting the weight or quantity on the labels of all commodities sold in packages. The department can insist upon and enforce, to a great extent, compliance with the existing laws, but since a dishonest person can cheat with an accurate device, it behooves the public to aid and protect itself by taking the ordinary precaution of watching the weighing and measuring of any commodity purchased.

THREE CLASSES OF LAW VIOLATION

It has been our experience that violations of the law are caused by three factors.

First: Carelessness or Neglect.

This seems to be the greatest cause of all discrepancies found in weighing and measuring devices in the city of Baltimore, — one which, however, should submit to the corrective influence of continuous education of the buying and selling public to the necessity of accurate devices.

Second: Faulty or Worn-out Instruments.

This cause should be easily recognized by all concerned. Most machines used for other purposes indicate plainly in some way their inaccuracy and need of repair by refusing to perform the service required of them in a proper manner. But to the average

owner of a weighing or measuring instrument, a scale is a scale, a pump is a pump, a weight is a weight, and a measure is a measure. He seems hardly ever to realize that any of them may need careful inspection; and if they continue to operate, no matter in what degree of efficiency, it is assumed that they must be correct. The need of better maintenance of small weighing and measuring devices is patent to anyone who has made even a most superficial investigation.

Third: Intentional Fraud.

When this office finds infractions of the law which may be classed under the head of the first factor enumerated above, corrective measures are taken immediately and the great success attending our efforts in this direction warrants a continuation of this policy. A written notice serves the ends of justice and usually produces the desired results.

When infractions fall under the head of the second classification, the instruments are condemned for repair, if possible, and confiscated if not.

When infractions fall under the third class, the only satisfactory recourse is to the courts of law.

It has been the policy of this office to enter into but few prosecutions, but to *Advise and Help*—though in no case has favor been shown to any particular person, firm or corporation, or to any particular type of instrument. Everyone connected with this department is instructed to get results in a dignified, courteous and efficient manner, in keeping with the policy of efficiency and economy of the city's administration.

190,000 INSTRUMENTS INSPECTED IN 1925

Under the present supervision, a closer inspection of all weighing and measuring devices has been inaugurated, and a more comprehensive and accurate record of the work maintained. A total of 29,348 official inspections were made in 1925 at the various stores, business establishments and market stalls in the city, — covering a total of 190,074 scales, liquid, linear and dry measures, pumps, etc. Of these, 181,229 were sealed, 2,282 were condemned for repair and afterwards retested for conformity with the legal standards of the city, 1,755 devices were confiscated and broken up and sold for junk. Included in this supervision are 930 special investigations or "surprise" inspections. In 1924, only 457 such inspections were made. These "surprise" investigations are made when a weighing or measuring device is found to be continually in need of adjustment so as to ascertain whether it is the fault of the instrument or of the owner.



TESTING GASOLINE PUMPS

A great deal of relief from short weight packages put up by grocers and held in their stores awaiting sale has been achieved by a closer inspection of the "dead" weights, such as are used on grocery store counter scales. Exactly 489 of such weights were condemned and confiscated by this department in the past year.

Probably the greatest increase in inspections in the entire year was of self-measuring pumps at stores, filling stations and garages. About 100 per cent more inspections were made than ever before, resulting in about 100 per cent more condemnations. More than 300 per cent increase is shown in the number of adjustments made in pump inspections in 1925.

In testing gasoline pumps a complete battery of scientific Seraphin test measures is used, including the 1, 2, 3, 4 and 5-gallon measures. In this way the accuracy of pumps in Baltimore has probably been adjusted more closely than was ever known before.

A new departure in the work of the division of weights and measures was made in 1925, based on previous experience. This office found that inspectors of weights and measures were daily finding weighing and measuring devices in the city, which, although in a public place or in locations easily accessible to the public, yet were used partly or entirely for private or personal purposes.

To protect everyone concerned, these devices were marked with a tag warning the public that the device had not been tested and sealed as conforming with the legal standards of the city, and notifying the owner or user that it was unlawful to use said device for the sale of any commodity.

This also was done in case of weighing and measuring devices which were

located in places of business which had been closed and which were then not engaged in buying and selling. Such instruments were tagged as above so that whenever they were again placed in operation it would be necessary for the owner or user to notify this office before the instrument could be lawfully used.

In this jurisdiction, we do not at present have any law requiring serialization of weighing and measuring devices, as is the case in many of the states throughout the country. Manufacturers knowing this apparently are prone to ship into Baltimore such instruments as may not pass elsewhere.

To protect the citizens of Baltimore from the possibility of inaccurate devices, all new instruments are required to take a full capacity test in conformity with the legal standards of the city. Unless an instrument will pass a full capacity test in this jurisdiction, it is not permitted in use,—but condemned.

EXHIBIT AND TESTING LABORATORY

A permanent exhibit has been set up in the laboratory of this division in which are displayed various types and designs of weighing and measuring instruments which will take the lawful test required. These weighing and measuring instruments are loaned to the city by the manufacturers, and embrace articles all the way from a gill liquid measure to the highest type computing scale and gasoline pump. This exhibit is open at all times to the public and affords an opportunity for those interested to actually see a weighing and measuring device that will take the standard inspection of Baltimore city. In this laboratory, bench tests of many types and classes of scales are made daily.

WACKER DRIVE

CHICAGO'S NEW TWO-LEVEL HIGHWAY

BY HUGH E. YOUNG

Engineer, Chicago Plan Commission

Wacker Drive, opened October 20, is a two-level street, three-fourths of a mile long, affording a by-pass around the congested loop. The lower level is used exclusively by heavy vehicles which move uninterrupted by cross traffic. Half the cost was met by special assessments and it is estimated that the increase in property value in the assessed district today is equal to six times the cost of the betterment. Old South Water Street, once a dingy thoroughfare with dingier buildings, is now a memory. :: :: :: :: :: :: :: :: :: ::

WACKER DRIVE has transformed old South Water Street into a fine highway of tremendous economic value to Chicago, and of profit to the city's treasury, plus a tremendous saving to the consumer. The development of Wacker Drive as a marginal thoroughfare following the river was forecast in the Plan of Chicago as part of the comprehensive scheme of upper level arteries extending along both sides of the Chicago river.

Definite plans were initiated by the Chicago plan commission in 1917. The necessary city ordinance was passed by the city council in June, 1922; the construction work was started by the board of local improvements October 1, 1924, and the improvement was completed in October, 1926.

Every Chicago Plan improvement is complete in itself, but all are so planned that each is a component part of the whole. One improvement dovetails into another. The new Wacker Drive is a wide, two-level, marginal thoroughfare extending three-quarters of a mile along the south bank of the Chicago river from the south plaza of the now famous Michigan Avenue bridge to the intersection of Market Street with Lake

Street, the latter being an important avenue to the west side.

As the plan progresses, it is proposed to extend Wacker Drive eastward from Michigan Avenue to the shore of Lake Michigan, and southward from Lake Street along Market Street. The new drive, by virtue of its geographical position, has become the northern boundary of the inner quadrangle, and therefore the keystone in the street system of the Plan of Chicago.

The inner quadrangle in the Chicago Plan is approximately one square mile in extent, and is bounded by Michigan Avenue on the east, Wacker Drive on the north, Canal Street on the west, and Roosevelt Road on the south. Michigan Avenue is today Chicago's most important north-and-south thoroughfare; Canal Street is an important service street to the Union Station and the Chicago & Northwestern terminal; while Roosevelt Road, old Twelfth Street, is a great east-and-west thoroughfare, extending clear through the city from the western city limits to the lake front, at the site of the proposed new Illinois Central terminal, the Field Museum, Soldiers' Field and the Shedd Aquarium.

This quadrangle in itself has not only relieved the congestion upon downtown loop streets, but by forcing the former South Water Street produce market to move to a more economical and better adapted location, it has also freed street traffic on the north, south and west sides. The two factors together, the creation of the quadrangle and the removal of the produce market, have altogether produced a reduction of 41 per cent in the amount of traffic formerly upon loop streets.

The district between Halsted Street, the south branch of the Chicago river, Harrison Street and Roosevelt Road, which is about three-quarters of a mile southwest of Wacker Drive, is near twenty-seven freight yards and team tracks. It is of great importance that this district should have free and easy connection with the lake front boat and railroad terminal areas. Such a connection has been provided by the lower level street in Wacker Drive, which connection has already gone a long way toward enhancing the value of property in the west side terminal and warehouse and surrounding districts.

Wacker Drive, therefore, forms the northern boundary of a marginal traffic quadrangle encircling the loop, the commercial clearing yard for three million people, and the focus of a radial highway system extending throughout nearly two hundred square miles of thickly settled territory.

IMPORTANT FACTOR IN DISTRIBUTING TRAFFIC

Wacker Drive has become an important factor in distributing traffic to and from the loop, and has facilitated the movement of traffic throughout the entire city.

The low level of this thoroughfare will ultimately have nine connections with the normal street system. It has a six-lane freeway between Michigan



AIR VIEW OF WACKER DRIVE LOOKING TOWARD LAKE MICHIGAN

Avenue and Market Street; and a twenty-five-foot wide dock space for marine landing. Over one-half mile of "back-in" space for trucks has been provided along the south building line, together with a combination sidewalk, loading platform and ventilating duct. Space is available for tunnel company stations, having a capacity of one thousand tons of freight per day. One such station has been proposed at the east plaza sector at the Wabash Avenue intersection, and another between Franklin and Market streets.

Before the completion of this improvement, five thousand vehicular trips per day along Lake and Randolph streets conflicted with about three times this number in the north-and-south streets. Most of this traffic can now be handled by the lower level roadway of the new improvement. Freight originating on the west side reaches the railroad freight yards east



CROSS SECTION SHOWING TWO-LEVEL STREET

of Michigan Avenue over the Lake Street and Randolph Street bridges, thence through the western portals of the lower level of Wacker Drive at Market Street and at the foot of the ramp along the river between Lake and Franklin streets.

When all the low level connections have been completed, loop and south side freight will enter the lower level at Holden Court, Garland Court, Federal Street and Fork Street, the mid-block entrances from Lake Street. Traffic originating in the manufacturing district north of the Chicago river, can cross the lower level of the Michigan Avenue double-deck bascule bridge, and turn at the south plaza into the lower level of Wacker Drive.

With the bulk of east-and-west traffic drawn through Wacker Drive, the congestion upon Randolph, Lake, Washington and Kinzie streets has been materially relieved, much to the advantage of these streets, and all north-and-south streets which they intersect.

The low level street in Wacker Drive has a capacity of over sixty thousand trucks per day. This trucking route has no cross traffic. Commercial vehicles can flow uninterruptedly between

the lake front freight terminal area and the west side warehouse and south side terminal districts. A tremendous volume of business can daily take this by-pass around the loop, thereby saving time and money to the industrial and commercial interests of Chicago.

UPPER LEVEL STREET

A marginal drive, 110 feet wide, has been constructed at the level of the present bridge approaches. This upper level street connects with every north-and-south street, nine in number, that intersects it, and serves as a by-pass around the loop for through traffic between the west and north sides. It functions as a traffic distributor in that it will handle over one hundred thousand automobiles per day, that will enter and leave the loop by way of Michigan Avenue and La Salle Street, when the latter has been widened all the way to Lincoln Park.

This two-level improvement of old South Water Street has caused the removal of the produce market, and has taken sixteen thousand market vehicle trips per day off loop streets. By lessening cross traffic congestion and facilitating traffic movement on the streets immediately south of the river, this

great street widening has materially benefited State Street, Dearborn Street, Clark Street, La Salle Street, Wells Street and Franklin Street. The congestion upon these various north-and-south streets was formerly so great that the only room for moving traffic was the narrow strip in the center of these streets occupied by the street car tracks, and even this area was constantly blocked by produce market vehicles.

PHYSICAL FEATURES OF THE IMPROVEMENT

The upper street has a seventy-two-foot wide roadway, a twenty-four-foot wide sidewalk on the south side of the street, and an eighteen-foot wide promenade extending along the river on the north side of Wacker Drive. The upper level is approximately twenty feet above city datum, conforming to the height of the various approaches to the bridges over the main channel of the Chicago river. This upper level is used by traffic of all kinds.

All north-and-south streets slope gently up to the upper level of Wacker Drive. The new improvement appears to be part of the regular street system. The fact that there are two thorough-

fares, one above the other, is noticeable only from the river side. The upper level is carried on a reinforced concrete structure, with masonry walls along the river front. Along this wall, and bordering on the northern sidewalk, is a fine Bedford stone balustrade. Both the wall and the balustrade have received splendid architectural treatment in harmony with the Michigan Avenue structure. Arched openings along the river front provide light and air to the lower street, and connect it with the dock which extends the entire distance of the improvement. Artistically designed stairways at the bridge abutments connect the two levels at every north-and-south street.

LOWER LEVEL

The lower level was designed especially to provide heavy commercial traffic with a through street uninterrupted by cross traffic. It is constructed at an elevation of five feet above city datum, or at the present level of the docks along the river. The clearance between the upper and the lower levels is twelve feet and four inches. Ample connections between the upper and the lower streets are provided not



SHOWING BUILDINGS ON SOUTH WATER STREET DEMOLISHED TO MAKE WAY FOR WACKER DRIVE

only at each end but also at strategic points midway.

The total cost of the improvement was approximately \$22,000,000, of which amount about \$8,727,000 was the estimate passed by the city council June 7, 1922, for construction; the remainder being to cover the cost of land and building condemnation, and damage to property by changing the grade of the street. Of this total cost about fifty per cent was paid by the city as a public benefit, the remainder being specially assessed on the property benefited by the improvement.

LEGAL FEATURES

Among the first difficulties to be overcome in making the Wacker Drive improvement were the existing special assessment laws and various court decisions. Not an inch more of land could be condemned for street purposes than could be shown was required for the improvement.

The ordinance drawings had to be made first, then the ordinances had to be drafted, and an estimate of cost prepared and approved by the engineer of the board of local improvements. After this had been done, these ordinances and estimates were presented to the board of local improvements, a date was set for a public hearing, and the hearing held. At that hearing a date was set for a second meeting, at which time changes could be made, if ordered by the board.

The board then submitted the ordinance and the drawings to the city council. From that date forward, there could be no change whatsoever in either the drawings, estimates, ordinance or specifications. They stood or fell as they were at that date. The Wacker Drive condemnation suit was in court over six months. During that entire period it was necessary to have

one or more men assigned to the case all the time.

In the matter of spreading assessments, the law requires the appointment of three court commissioners whose duty it is to determine the area to be specially assessed, and the specific amount each piece of property within that area is damaged or benefited by the improvement. Their findings must be sustained before the court, and the law provides ample safeguards, so that no property owner can be made to pay one dollar more than the city can prove his property will be benefited. Thus every property owner whose property is taken or damaged is assured just treatment and receives fair compensation. The property that fronts on the improvement, naturally, pays the largest assessment for benefits, the amount becoming smaller and smaller the farther away property is from the line of the improvement. In view of the increased value of property that always results, it is plain that no real burdens have been caused by the special assessments, but on the contrary very great benefits have resulted.

PROPERTY VALUES HAVE INCREASED

Surrounding property values throughout a large area north, south, and west, as well as in the central business district, have been increased in a manner similar to the increase resulting from the Michigan Avenue improvement, which amounted to over one hundred million dollars. The improvement materially increased the value of property not only fronting upon the street itself, but also on side and parallel streets throughout a wide area. It has been estimated that the total increase in the value of property in the assessed district today amounts to more than six times the total cost of the betterment.

BARGE LANDING AND STORAGE
FACILITIES

The Wacker Drive improvement was planned to provide the best facilities for truck and motor vehicle traffic for local district freight delivery, and for normal street traffic, at the same time permitting the proper development of abutting property and the future extension of the two-level street project. It was also planned to provide for barge and lighter freight, and it is entirely practicable, if the city should so elect, to develop the lower level of Wacker Drive so that it can function in this respect.

Continuous frontage is provided along the river front, adapted to barge freight, when the Chicago river shall have been developed for this purpose. It is impossible to anticipate now exactly what form of marine traffic will ultimately develop. However, the Wacker Drive improvement is admirably well fitted for whatever type may come, for the following reasons:

It has wharfage, between the Michigan Avenue and the Lake Street bridges, amounting in actual length after deducting the space occupied by

bridge abutments to 2,725 lineal feet. It has a dock area for marine landing of 64,000 square feet. The dock level in the east plaza sector may become an extremely valuable adjunct to future barge service in providing storage area such as is required in marine transit houses. The total floor area at the dock level amounts to 65,000 square feet. The total storage area under cover amounts to 71,000 square feet. The total landing area is 64,000 square feet, and the total area for both marine landing and storage is 135,000 square feet.

The entire river front appears to have great potential worth as a local distributor. No one can determine today how valuable it may become in the future when inland waterways have been developed for barges and lake routes for deep sea vessels. In either event Wacker Drive has been so constructed that the lower level can be used as a point of consignment for barge freight from the river, or it may develop a system of purely local district light-erage, the usefulness of which as a city transport facility will at least appear in the removal of an equivalent tonnage from the city streets.



James & Merrichew

EX-PRESIDENT HENRY SUZZALO

Believes that education is the fourth department of government co-equal with executive branch



Keystone View Co.

GOVERNOR ROLAND H. HARTLEY

Claims right to supervise the State University, on par with other administrative departments

HIGHER EDUCATION IN THE COCKPIT— IS THE STATE UNIVERSITY PART OF THE GOVERNMENT?

BY CHESTER C. MAXEY

Whitman College

Dismissal of President Suzzalo of the University of Washington leads to a movement to recall Governor Hartley and raises important questions as to the relation of a state university to the administrative organization of the government. :: :: :: :: :: ::

No controversy can reach the proportions of the Hartley-Suzzalo affair in the state of Washington without involving numerous elements and angles that no one person, no matter how impartial and well informed, can pretend to know and understand thoroughly. The immediate cause of the upheaval, which has resulted in a movement to recall Governor Roland H. Hartley and in an equally spon-

taneous and vigorous movement to sustain him, was the sudden dismissal early in October of the well-known president of the University of Washington by a Hartley-picked board of regents.

DISMISSAL NOT UNEXPECTED

At the moment it appeared to be a sudden and summary execution without notice or hearing, but in reality it

was not quite that bad. Certainly the removal could not have been entirely unforeseen by President Suzzalo and his friends, and it is clear that it was not wholly unexpected by the supporters of the governor. As a matter of fact the relations between the governor and the former president of the state university have approached armed neutrality, not to say open hostility, ever since Governor Hartley took office two years ago, and this fact was well advertised throughout the state. Governor Hartley, during these two years, not only has denounced Dr. Suzzalo openly, but has taken pains to purge the board of regents of practically all persons not in sympathy with his own views. Dr. Suzzalo, for his part, did not indulge in direct attacks upon the governor, but persons known to be *en rapport* with him did do so, and it was assumed by the adherents of Governor Hartley that these attacks had Dr. Suzzalo's approval if they did not result from his active connivance.

BOTH SIDES HURL CHARGES

Some idea of the nature of this controversy which is convulsing the Evergreen State as nothing in its previous history has done may be gathered from the principal charges which are being hurled back and forth between the two camps. I do not think, however, that any two persons could be brought to agree that these embody all the issues or disclose all of the real causes.

In behalf of Dr. Suzzalo the following are the main contentions advanced:

1. That Governor Hartley is an enemy of public education, especially of higher education, and that he is bent upon the ruin of the state university.

2. That the animosity of Governor Hartley toward Dr. Suzzalo is based upon personal spite far antedating his election as governor. The specific charge is that the governor has been a

sworn enemy of Dr. Suzzalo ever since the latter as director of defense during the war forced the adoption of the eight-hour day in logging camps. The governor, who is an extensive logging operator, is said to have been bitterly opposed to the eight-hour day, and to have vowed revenge upon Dr. Suzzalo.

3. That Governor Hartley is an intolerable autocrat who is determined to run everything in the state by personal fiat, for which reason he is endeavoring to build up a retinue of sycophants in all the state institutions.

The case for the governor is presented substantially as follows:

1. That Dr. Suzzalo is an over-ambitious educational politician who has abused his position by building up a pernicious machine which has been used not only to bring pressure upon the legislature in matters pertaining to the university but also to meddle in many other spheres of political activity.

2. That there has been laxity in the financial management of the university under Dr. Suzzalo's administration.

3. That the removal of Dr. Suzzalo was justified by his persistent opposition to the governor's policy of putting the university upon a strictly budgetary basis. Under the former arrangements the university had received grants in lump sum which it could spend without real accountability to any authority other than its own board of regents. The partizans of the governor contend that Dr. Suzzalo, through his political activities, had been able to build up a complaisant board of regents; and that Governor Hartley, who under the new administrative code is made responsible for the financial policy of the state and who was bound by his campaign pledges to institute drastic economies, was reluctantly obliged to replace the hold-over regents

and ultimately to remove Dr. Suzzalo himself in order to obtain honest co-operation in his budgetary program.

In addition to these major points there are various incidental and collateral controversies which, though not particularly relevant, are bound to have much to do with the formation of public opinion. For example, the supporters of Dr. Suzzalo argue that he is a famous educator—some of his most ecstatic admirers pronounce him the greatest educator in the United States today—and that he has made a tremendous sacrifice in remaining at the University of Washington on a salary of \$18,000 a year when he could have gone to the University of Pittsburgh at \$25,000 a year. The Hartley people meet this by producing “authentic” documents to show that Dr. Suzzalo never actually had a \$25,000 offer from the University of Pittsburgh, and the Suzzalo people reply with other “authentic” documents designed to show that he did. The Hartley supporters argue and assert that the fight against the governor is engineered and backed by certain corrupt timber interests which are endeavoring to strike back at the governor because he put an end to their graft of purchasing timber lands from the state at scandalously low figures, and that Dr. Suzzalo and his machine, if not in league with these interests, are enjoying their aid and comfort and are being used as a smoke-screen to cover the true nature of the attack upon the governor. The friends of Dr. Suzzalo meet this by denial *in toto*, and counter with the assertion that the governor himself has ulterior motives in trying to get control of all the state institutions.

RELATION OF STATE UNIVERSITY TO THE GOVERNMENT

To a neutral observer, interested both in state politics and higher educa-

tion, this unfortunate imbroglio seems to involve at least one issue of more than local significance. Dr. Suzzalo is a brilliant, aggressive, and extraordinarily able man whose conception of the position of education in state government is well exemplified by an illuminating remark which he made in connection with a recent speech in the city of Spokane. “Education,” said he, “is the fourth great department of the state. When the constitution was written and the government divided into the legislative, the judiciary, and the executive branches, the great system of education was not visioned.” Governor Hartley, on the other hand, is a self-made business man whose ample fortune sufficiently attests his financial shrewdness and executive ability; and in common with all other men of his type he has a passion for centralization.

Now in every state of the Union during the past quarter-century there has been a remarkable exaltation of education, particularly of higher education; and at the same time there has been an equally striking movement for the centralization of responsibility in the organization and administration of state government. When, therefore, the educational headship of the state gravitates into the hands of one positive and uncompromising character and the political headship of the state comes into the grasp of another positive and uncompromising character and these two powerful and strong-willed persons disagree, something is bound to happen. In the state of Washington that something has happened, and the Hartley-Suzzalo rumpus is the result. The same thing is likely to happen in any other state.

SERIOUS THOUGHT NEEDED

Is it not high time that we give serious thought to the problem of higher education at public expense? Is

it true that our state systems of higher education are largely the result of forced growth accomplished through the endeavors of politico-educationists who are skilled masters of the arts of lobbying and promotion? And is it true that the most notable results of this mushroom development are more students, more buildings, inferior teachers, better football teams, and higher taxes? Or, have we reached a point in civilization where we are ready to agree that a college education is the birth-right of every person born into the world, and, if so, are we willing to bend our backs under the ever growing financial burden of higher education? And finally, are we ready to concede to education that coördinate and independent position in the sphere of government which it seems about to demand. These are some of the questions which the people of the several states must answer before they can expect to have an intelligent policy with reference to higher education.

While the Hartley-Suzzalo row does not directly involve any one of these questions, it is not too much to say

that they are all latently involved in it, and that the attitude of the people of Washington with respect to these questions will be greatly influenced by the outcome of the present upheaval.

However that may be, it seems clear that there can be no permanent peace in Washington until both captains are removed from the arena. If the recall movement against Governor Hartley should succeed and Dr. Suzzalo should thereupon be restored to the presidency of the state university, it would simply mark the beginning of a campaign of revenge which would keep the university in politics as long as Dr. Suzzalo should remain in office. On the other hand, if the recall should fail, the Suzzalo party would not surrender or even slacken its efforts to cripple the Hartley administration. Plenty of money and plenty of prominent citizens are to be found on both sides, and it looks like a fight to the finish. Meanwhile the honest well-wishers of the university would do well to remember it in their prayers, for it is in desperate need of extreme unction.

THE INTERNATIONAL HOUSING AND TOWN PLANNING CONGRESS AT VIENNA

BY HARLEAN JAMES

Secretary, American Civic Association

The trend in Europe is toward a more severe control of land and buildings than in the United States. :: :: :: :: ::

THE International Housing and Town Planning Congress, which met at Vienna September 14-19, was attended by some 1200 delegates from twenty-five countries.

The printed papers prepared for the Congress form a most valuable compendium of information concerning the laws and methods of procedure

used in the principal European cities to control land development and housing.

GOVERNMENT HOUSING

For good or ill, for better or worse, European cities were forced into government housing, both the countries which participated in the War and those which did not. The financing

plans by which the state and municipality have aided housing schemes vary in detail. There seem, however, to be two outstanding results:

1. The expenditure of public funds in housing has been more than a physical investment in land and houses. It has been a definite investment in citizenship through improved living conditions at a time when private capital could not realize economic returns from rents or purchase prices which the occupants could pay.
2. The expenditure of public money in housing schemes has given into the hands of the states and the municipalities undisputed control of the location, layout and treatment of the sites of subdivisions.

Europe, quite naturally, is preoccupied with the methods of administering government housing schemes, and the papers of the Congress reflect this interest and preoccupation. While the United States seems quite definitely committed to private enterprise for the furnishing of habitations, there prevails in Europe a fairly general opinion that those cities which own their houses and lands outright will continue in the housing business. Where the houses are being sold instead of rented the supposition is that the titles will ultimately pass to private individuals and that both city and state will gradually work their way out of the housing business, albeit with losses, more or less heavy, to be charged to taxation.

The Americans could, and did, learn many incidental lessons from European housing, but since government housing is not practiced or contemplated in this country, they were not in a position to profit greatly from the rather com-

plicated financing schemes described. The differences in living customs have produced house plans that would not serve the people of this country.

LAND CONTROL

American cities have been permitted to purchase land only for quite specific public purposes. Housing and farming are not accepted as public purposes in the United States. In European cities for many years, and particularly since the War, large areas of land have been purchased for uses other than for public streets, parks, playgrounds or public building sites. The city of Vienna owns about one-quarter of its total area. Many European cities, also, are zoning as agricultural, areas of land in private ownership which it is believed should not be covered with houses in the interests of the public welfare of the entire population.

This raises the question as to whether in the United States some method should be found to hold permanently open spaces around cities in excess of those definitely in public ownership. Cemeteries, country clubs and private estates often do remain open for long periods; but if the outward push of the city induces increase in land values, the pressure is apt to bring about the subdivision of these open spaces. It was clear that most of the European delegates believed that the zoning of certain private lands for agricultural or other open uses, served as a valuable supplement to publicly-owned lands.

HEIGHT LIMITS

In general, height limits of buildings for business and residence purposes are much more strict than in the United States. But, here and there, in some cities, skyscrapers are rearing their conspicuous heads. The planners of Europe are awake to the evils of congestion of population and the crowding

of streets with traffic as automobiles become more used. In Europe there are more adequate methods for land control than we have yet developed in the United States. But for all that, European cities are not entirely free from the dangers and evils of land crowding.

THE CONGRESS

The officers of the Federation for Town and Country Planning and

Garden Cities, the officials of Vienna who superintended the local arrangements, and the German Garden City Association which conducted the ten-day German tour following the Congress, provided for the delegates most unusual and interesting facilities for inspecting the offices and work of planning departments and for seeing modern city planning principles applied to cities of mediaeval origin.

ENGLISH CIVIL SERVICE SHOWS INCREASING FAITH IN COMPETITIVE EXAMINATIONS

BY CLINTON ROGERS WOODRUFF

Some brief observations based on Mr. Woodruff's recent visit to England. :: :: :: :: :: :: :: :: :: ::

When one speaks of the civil service in England he means the employees of the national or, as we would say, the federal service. The employees of the cities and county councils are referred to there as the municipal service. When we speak of the civil service we mean all the civil employees of all the government units.

Bearing this distinction in mind the merit system applies generally, or perhaps I should say universally in the British Government. All the permanent employees of the Government are upon a strict merit basis. On the other hand the municipal service is by no means generally or universally on the merit basis, although each year sees substantial extensions. There is no compulsion on the part of the cities or county councils to establish it, but as functions multiply and as the pressure of the importance of the service increases we find that the number of cities applying it voluntarily, and in

perfect good faith, is constantly increasing. Organizations like N. A. L. G. O.¹ of course definitely and actively advocate its extension.

FAITH IN COMPETITIVE EXAMINATIONS

Another important point to be noted is the growing belief in the general efficacy of the competitive examination. As Sir Theodore Morison, vice chancellor of the University of Durham, has pointed out, the greatness of the national civil service dates from "the day on which a competitive examination was made the portal for admission. There are many theoretical arguments against recruitment by competitive examination. A written examination, it is said, is no test of character, and character in an administrator is at least as important as intellect. These hypothetical objections are of little weight when balanced

¹ The National Association of Local Government Officers.

against the testimony of experience. Considered objectively, as a mere matter of history, competitive examinations have given results immeasurably superior to any other form of recruitment for public service."

Sir Theodore declares that competitive examinations are only educational tests of great stringency, and "that is why, if we would be guided by the experience of Whitehall, we should aim at the imposition of educational tests for the recruitment of the municipal service. There are many difficulties in the way of imposing adequate educational tests at the present moment; but our business here is to look into the future and to frame a policy which will give to the activities of those interested in creating a tradition for the municipal service a definite objective."

In a recent address he pointed out that "if public opinion upon the importance of the municipal civil service matures rapidly, it may soon be possible to adopt a competitive examination based on the standard of the Higher School Certificate as the regular method of recruitment. To make that possible the county councils would have to pool their appointments as do the departments at Whitehall. Each council would inform a central authority, preferably the civil service commissioner in Burlington Gardens, how many vacancies, if any, it proposed to fill in the current year. The civil service commissioner would notify the total number of vacancies in the municipal civil service to be competed for and publish the date of the examination. The successful candidates would choose in rotation the council under which they wished to serve. This method of recruitment would give the county councils a far better type of candidates than they could hope to secure by separate appointment. Experience shows that to bring together

for any service a good field of candidates two conditions must be satisfied.

"(1) The competition must take place every year at a known date.

"(2) The competition must coincide with the termination of a stage in the scholastic career. Roughly speaking, this means in England that the ages for admission to the different services or employments should be so fixed as to attract candidates just after they have passed either (a) the School Leaving Certificate Examination, (b) the Higher School Certificate, or (c) have taken their degree at a University.

"It would be desirable, therefore, that candidates for the municipal civil service should be between the ages of 18 and 20 when they sit for the competitive examination."

This represents the enlightened opinion of England on the subject of the merit system and upon the efficacy of the competitive examinations. It also illustrates the fact that the tendency in England is to make public work a self-supporting, honorable career and opens the door to it at the very outset of a man or woman's life.

THE METROPOLITAN POLICE—THE PRIDE OF ENGLAND

Now a word as to the Metropolitan police. A candidate for the police service, in addition to the usual medical examination, is required to pass tests in arithmetic and dictation, and to satisfy the selection committee as to his general intelligence. On the satisfactory completion of these preliminaries, he is sent to the training school, where he undergoes a course of instruction, after which he is tested as to the knowledge he has acquired of police duties. If he satisfies the examiners in this respect, he is posted for duty to a division, where he is on probation for a year. During that time he is again tested, firstly, after three months, by

his superintendent and finally, after six months, by the selection committee. No officer is confirmed in his appointment until these examinations have been passed.

The oral portion of the examination consists of questions from the instruction book, which is issued to every officer on joining the force and covers the whole field of police activity.

Promotion is by selection, and candidates are required to undergo examinations (1) as to their educational attainments, by the civil service commission—which is a separate government department for all kinds of official examination; (2) as to police duties by a departmental board.

This presents rather a striking contrast to Philadelphia where a very excellent training school was abolished by General Butler at the very outset of his administration. Now our men in Philadelphia are put right to work on the street and often in what is popularly known as “the vice squad.”

Today the English policeman must be, as one of the leading London papers said, a man of education if he is to get on in the force. He must know, it is pointed out, something about protocols, Marie Corelli, anthracite stoves, and many other diverse subjects.

First he must pass an ordinary educational test before he can be admitted to the force. After that, he can sit as soon as he likes for his second-class certificate, which covers any promotion he may win up to the rank of station sergeant. When he has served four years he must gain a first-class certificate before he can win further promotion.

Here are some of the “general knowledge” questions of a first-class paper:

“Map out a practicable day’s sight-seeing in London for an American who

has never been in London and who wishes to see places and sights connected with the history of London and of England.

“By what characteristics of appearance or speech or dress or manner do you think you could tell an American, an Australian, a Frenchman, an Indian, in a London street?”

“What do you know about the Washington Agreement, the Fascisti, and the Geneva Protocol?”

Here are some of the questions asked those sitting for the second class.

“What are the advantages and disadvantages of an anthracite stove compared with an open fire?”

“What precautions should be taken to prevent any injurious effects on health from the heat during the spell of hot weather?”

“Write short notes on any three of the following: Lord Allenby, Mr. J. H. Thomas, Mark Twain, Signor Mussolini, Marie Corelli, Jack Dempsey, M. Trotsky.

“Give instances to show how the cost of living has risen in the last ten years or so. State briefly the main reasons for the rise.”

Composition, handwriting, arithmetic, and geography are the other subjects in both examinations. That psychology is not neglected is shown by one of the composition subjects set for the higher examination. It is: “Is there any truth in the statement that the criminal is born not made? Illustrate as far as you can from your own experience.”

And what is the result? A police force that is the pride of England and which went through a general strike unarmed (except for their night sticks) and without a casualty.

Surely we have something to learn from our English cousins.

A FEDERATED GOVERNMENT FOR GREATER MONTREAL

BY FREDERICK WRIGHT

Former Editor, Canadian Municipal Journal

A modified form of the London County Council System is proposed for Montreal. :: :: :: :: :: :: :: ::

THE article by Mr. Paul Studensky, in the September issue of the NATIONAL MUNICIPAL REVIEW on a "Federated Government for Pittsburgh and Vicinity," will prove of great interest to students of municipal government, especially at the present moment when throughout the North American continent there is a growing sense of dissatisfaction with the loose responsibility now governing large urban areas. Already there are discussions afoot showing the possibility and desirability of certain of the larger cities—such as New York and Chicago with their environs—becoming separate political entities or city-states; the principal reasons advanced being the continual warfare between urban and rural districts, and the supposed undue influence exercised by rural members of state legislatures in legislation pertaining only to those large urban centers. In this respect the larger Canadian cities, such as Montreal, Toronto and Winnipeg, are in the same position in their respective provinces, though they are not under the same difficulties as beset a large metropolitan district like New York which is located in three separate states, and consequently under three separate superior authorities, each one jealous not only of its powers to legislate for but to supervise the administration of that part of the commercial metropolis located within its jurisdiction.

Such a situation is an anomaly, to say the least, but will the problem of the government of large urban centers be solved by simply raising their status to that of a state or a province? Both in the United States and Canada the only authority that any municipality enjoys is that which is delegated to it by the legislature; this being the only power having the right to create and control municipalities. And perhaps this is as it should be, for without well defined checks, there is always in any democratic country the extreme danger that a powerful city in its aggressive development will absorb without leave or destroy its smaller neighbors. Such a course would be absolutely opposed to one of the basic principles of municipal government—the preservation of the character and self-respect of each community, however small.

In recognition of this principle the whole of the County of London (excluding the city) was in 1899 divided into twenty-eight metropolitan boroughs, with self government in purely local affairs; the county authority, which had been established ten years earlier, retaining administrative control over certain main services and supervision over the general finances of the whole metropolitan area of London. This preservation of local government in each municipal unit has been the principal factor in making the adminis-

tration of greater London the success it is; and because in the proposed plan for the government of greater Pittsburgh this same principle is fully recognized, there is every hope for its success.

PRESENT METROPOLITAN COMMISSION

The city of Montreal is confronted by a problem similar to that of Pittsburgh. For some time, a scheme of borough government to cover the city and the surrounding municipalities has been under consideration. This scheme, which possesses a number of features similar to the Pittsburgh plan, is based on the same principles underlying the Montreal Metropolitan Commission, which came into being in 1921.

Established primarily to protect certain small municipalities adjacent to the city of Montreal which had fallen into financial difficulties, this authority has, by capable management and wise supervision over the finances of the sixteen municipalities under its control, so strengthened its position in the confidence of those who should know that men who at first were prone to criticise its value now see that the promoters of the commission exercised great wisdom. Inasmuch as not only are the delinquent municipalities being gradually put upon their feet financially, but the axiom of autonomous decentralization in municipal administration has been maintained. The remarkable success of the Montreal commission, composed of representatives of the provincial government, the city of Montreal, and the other fifteen interested municipalities, has opened the eyes of the authorities and students of municipal government to the value of the borough system of government for a large metropolitan area like Montreal, as against the unwieldy system of wholesale annexation.

A CENTRAL AUTHORITY WITH SIXTEEN BOROUGHES

In passing one might say that the credit for the Montreal Metropolitan Commission is due very largely to Mayor Beaubien of Outremont, president of the Union of Quebec Municipalities, Mayor McLagan of Westmount, and Mayor Ballantyne of Montreal West. With the able assistance of the secretary-treasurers of their respective municipalities Messrs. E. T. Sampson, now secretary of the Metropolitan Commission, A. T. Bell and F. Fraser, these gentlemen have devised a scheme which many consider to be almost a perfect form of government for the financial control of a metropolitan district.

For the government of Greater Montreal it is suggested:

That each of the sixteen municipalities (including the city of Montreal) now forming part of the area under the control of the Montreal Metropolitan Commission should become a borough of a central authority.

That the council of the central authority be composed of representatives of each of the boroughs in proportion to the taxable values or population, or both.

That the central authority take over all the powers and duties of the Metropolitan Commission.

That the central council be endowed, in addition, with the powers and duties of the present municipalities in regard to water supply, main highways, main drainage and sewage, transport, town planning, hospitals, and metropolitan police.

That the central council exercise an approving supervision over local by-laws concerning house drainage, sanitation, construction of buildings, markets and loans.

The above outline is a modified form of the London County Council system; one main difference being that, whereas election to the London body is, by direct vote of the electors, in the one suggested for Montreal the local councils would select the members of the central council, just as is being done today in the case of the Metropolitan Commission. Under this proposed system, while every part of the metropolitan district of Montreal would be under proper supervision and control, the separate units would have the greatest freedom in conducting their own home affairs, while enjoying the advantages of the public services of a large urban area, in the control of which the local councils would have a voice. In other words, such a system is a happy combination of centralized administration and local government,

a consummation greatly to be desired in these days of materialism even in municipal affairs.

It must not be forgotten that municipal government is essentially personal government. That is to say, it is something more than mere business—it is the spirit of civic pride, innate in every citizen worthy of the name, finding its expression in civic achievement through voluntary effort. As we get away from this standard, municipal government deteriorates. The borough system of autonomous local units, coöperating one with the other in public services common to all, is in keeping with all that is best in civic government. But large centralized municipal government units, with no local autonomy, can only end in extravagance and maladministration.

RECENT BOOKS REVIEWED

MUNICIPAL HANDBOOK FOR FIFTH AND SIXTH CLASS CITIES. By William J. Locke. San Francisco: League of California Municipalities. 1926. Pp. 316.

This volume compiled by the executive secretary of the League of California Municipalities is intended to serve as a guide for public officials in the smaller cities of that state. The first part of the book contains extracts of provisions from the state constitution which affect city government; explains the process whereby a community may become incorporated as a city and outlines the three general forms of municipal organization. Then follows the text of the statutes governing fifth and sixth class cities, together with detailed notes from court decisions interpreting each section.

The author next explains the steps which should be taken by cities in obtaining a charter under the home rule provision of the constitution and there is also presented a "model city charter" providing for the city-manager plan. The value of the "model charter" is increased by editorial notes explaining the reasons for and the advantages of each provision and also commenting on the way in which certain of the provisions have actually worked in specific cities. For example, following the clause which prohibits members of the council from interfering with the city manager there appear these words of advice:

This is one of the most important provisions of the city-manager charter. Councilmen who attempt to dictate appointments or tell the manager where to make his purchases thereby violate the fundamental principle of this system of government. A manager cannot be held accountable for failure unless he is given a free hand. There can be no responsibility without complete authority.

Members of a city council who are sincerely desirous of securing the most efficient government for their city should respect this provision strictly and tell their friends who beseech them for appointment or employment that these matters are entirely out of their jurisdiction. The success of the city-manager form of government depends in a very large degree on the strict observance of this principle.

For similar reasons the manager must confine his activities strictly to matters of administration and not interfere or concern himself with the election of councilmen. The strict observance of this provision is the best furtherance of good government.

In the latter half of the book are found copies of the statutes regulating municipal elections in California, a standard form of budget for a small city, a summary of the main points in Mr. A. E. Buck's *Municipal Budgets and Budget Making* published by the National Municipal League, a brief manual of accounting, extracts from the state health laws, model specifications for paving and other public improvements, definitions of words and phrases frequently used in municipal administration with references to the general laws of California, and to McQuillan's *Law of Municipal Corporations* for further information, and a carefully arranged summary of recent court decisions of interest to city officials.

One leaves this useful hand book with the feeling that municipal government would be greatly improved if public officials in every city of the land could have access to a similar volume dealing with their respective states.

A. C. HANFORD.

Harvard University.



PETIT DICTIONNAIRE DE DROIT MUNICIPAL À L'USAGE DES MAIRES, ADJOINTS, CONSEILLERS MUNICIPAUX ET CETERA. By Maurice Felix with the assistance of Marcel Aragon, Lucien Valette and others. Paris: Librairie Dalloz. 1926. Pp. 836.

It is in the department of the Seine that are to be found the most rapidly growing cities of France and, consequently the most active expansion of municipal functions. The officials of the Prefecture of the Seine, therefore, are daily required to apply the laws relating to municipal government to numerous activities of the most varied kind. The objectivity of this excellent and useful work is doubtless due to the fact that its principal author is subdirector of communes in the prefecture and his colleagues mostly functionaries of the same great office. They have avoided the discussion of matters purely theoretical and concerned themselves only with the analysis of solutions consecrated by the jurisprudence of the ministries or the supreme authority of the council of state, the court of cassation and the court of accounts.

The work is intended, not for lawyers, but for city officials, particularly, it must be supposed,

the officials of small cities. It is everywhere concise and direct. The language is simple as befits the non-professional character of a large part of the audience to which it is addressed. Herein lies the chief element of its usefulness for American readers upon whom the detailed and often highly theoretical discussions of the longer works of the same sort are almost wholly lost. The authors have avoided, as far as possible, the use of technical terms. The work is therefore, easy reading for even an indifferent student of French.

The work is comprehensive, covering a multitude of subjects from Abbatoirs to Voirie. Among the more significant titles are Alignement (establishment of street lines); Assistance (poor relief in several aspects); Budget Communal; Comptabilité (accounting); Conseil Municipal (city council); Election des Conseillers Municipaux (election of city councillors); Expropriation (condemnation for public use); Habitations à bon marché (workmen's dwellings); Hopitaux et Hospices (hospitals and almshouses); Liste Electorale (registration of voters); Maire (mayor); Octroi (taxes on food, etc., brought into city); Syndicat de Communes (unions of communes for particular purposes); Travaux Publies Communaux (communal public works).

Considering the area covered, the "Little Dictionary" is very brief. It furnishes the best easily accessible body of information on the legal aspects of French city government. One can only regret that, with forty-eight separate sources of laws relating to municipalities, we can never have such a manageable compendium for the use of American city officials.

THOMAS H. REED.

University of Michigan.



PARTY CAMPAIGN FUNDS. By James K. Pollock, Jr. New York: Alfred A. Knopf, Inc. 1926. Pp. 307.

A study of campaign funds in the whole arena of American politics is a plentifully ambitious project. The chances of success in any undertaking are apt to be proportioned to the dimensions of the task. Had Dr. Woody in his volume, reviewed elsewhere in this issue, assayed to write on the relation of business to politics in the Chicago primary, far less success would have crowned his efforts. Dr. Pollock chose the broadest possible scope for his enterprise. Per-

haps, it would not therefore be unfair to measure his results by his own ambitions.

The book suffers from a further limitation. While it is impossible to the author to go behind the returns, the returns in this instance are not worth anything. Frank Kent summed the situation in 1923, "No law has yet been enacted through which the politicians cannot drive a four-horse team." But our author does not get to this conclusion until he is within seven pages of the end of his book. With laudable diligence he has written and traveled about collecting the filed statements of receipts and expenditures, but the returns, though he got what there were, are all but useless. A few of his assertions seem to the reviewer questionable, as for example, that most of the money used in Philadelphia comes from assessments. The reviewer is inclined to believe, on the basis of some acquaintance with politics, that a great deal of the "pickings" of politics consists in funds collected from business, legitimate and illegitimate.

Our author has some rather keen things to say against the proposition that campaign expenses be assumed by the public treasury, but perhaps he has not said the last word on this. And when he accepts at full face value the public statement of a candidate for the presidency that "no individual or group of individuals may expect any governmental favors in return for party assistance," and "whatever one gives must be given for the common good or not at all," and that "contributions will not be received on any other basis" (p. 131), he seems astonishingly naïve.

It would be unfair to ask our author to tell us the facts about campaign funds. His was a self-imposed task. The subject remains, and must for some time remain, *terra incognita*.

A most useful feature of the book is a tabular summary of state legislation relating to campaign funds.

JOSEPH MCGOLDRICK.



THE CHICAGO PRIMARY OF 1926. By Carroll Hill Woody. Chicago: University of Chicago Press. 1926. Pp. 299.

This engaging little volume, admittedly a thesis but none the worse for that, was prepared by a young scholar who came as a stranger to Chicago from the west coast and is now studying abroad. Such a youthful stranger had, however, at his disposal the full recollections and sage experience of Professors Leonard D. White and

Charles E. Merriam, the latter once an alderman and almost elected mayor in 1911. There are passages which, without any reflection upon the author, seem to have been all but written by his politician-professor adviser. While this ample background of his counsellors saved the author from many a blunder and greatly enhanced the interest of the book, it in no wise detracts from the author's work. His interest was not so much in the *milieu* in which the primary campaign was placed as in the methods of that campaign. About two-thirds of the space is devoted to a lively description of the campaign. It is political narrative of the best sort, worthy to rank with Gosnell's excellent *Boss Platt*.

To the reviewer it would seem fair, however, to ask a little more. The author slows up distinctly when he proceeds to analysis. His discussion at the outset of the spoils at stake in the campaign, and his later summary of the defects of the primary system in operation is good, though there is little about it that is distinctly new. The author has no statistical apparatus to dissect, decompose, distill or dehydrate his election returns. He does not employ any sociological data relating to race, religion, income or press circulation to see if anything can be discovered from ward and precinct returns. He is too much absorbed in total results.

The descriptive study of politics is reaching a high degree of perfection. The present volume is good evidence of the fact. But the pressing need is for a more scientific study of political phenomena. In this our universities must take the lead; indeed, the University of Chicago is already in the forefront of the movement. This new type of study imposes heavy demands upon those who attempt it.

JOSEPH MCGOLDRICK.



HOW CAN CONTRACT BOND CONDITIONS BE IMPROVED? By the Surety Association of America. Pp. 62.

CONTRACT BOND UNDERWRITING. By R. H. Towner, Rating Bureau. Pp. 9.

These articles have for their purpose the justification of the practices followed by surety underwriters relative to contract bonds.

Some of the practices connected with contract bonding are severely criticised by contractors, by owners, by public officials. It is claimed at times that bonding does not tend toward economy. The policy of loss-sharing has, however,

become so much a part of present-day business procedure that it is difficult to believe that such critics are fully justified in their opposition.

It is possible that there is too great laxity in issuing contract bonds and that the evils resulting therefrom are sufficient to warrant the omission of such safeguards until conditions are corrected. Attempts have been made to effect improvement through coöperation between contractors, surety men and highway engineers. Secretary Hoover has been instrumental in promoting such a movement.

The character of both the attack on and the defense of contract bonding creates the impression that much of the trouble is due largely to a lack of adequate statutory provisions as to bond procedure and bond responsibility. That lack was responsible for much of the old-time laxness in the life insurance field, which not many years ago resulted in a revolution in methods in that field. There is reason to believe that lack of proper statutory control, particularly with regard to acceptable risks, is one of the principal reasons for excessive fire insurance rates and extravagant fire prevention measures. To too great an extent fire insurance companies accept any risk which an agent will present, regardless of the hazard and without proper investigation of the hazard.

Apparently contract bonding is suffering to some extent from the same lax procedure. That rates are higher than would be necessary if proposed contracts were more closely scrutinized is probably beyond question. That they are unjustified is, however, not a necessary conclusion. Any movement or policy which will reduce rates must first reduce losses, which can be attained only by greater coöperation between all interests concerned. It seems probable that public officials are in the least advantageous position of any to give effective coöperation for the reason that public demand impels them to award contracts to the lowest bidder, even in the face of adverse conditions. The result is that surety companies in dealing with public officials are quite apt to bond the bidder that presents the greatest hazard in the group of bidders. The remedy in such cases is for the surety companies to refuse to bond unless such bidder appears to be a safe risk, for it is only as a result of bonding that such lowest bid becomes the greatest hazard. Unfortunately it appears that no contractor is so irresponsible that some surety company will not give the desired bond. It is probable that here

lies the greatest opportunity for improvement in contract bonding.

The pamphlet by the Surety Association is a comprehensive statement of the findings of a committee of said association. The article by Mr. Towner is in the nature of a justification for the conclusions contained in the former. The two present a comprehensive defense of surety underwriters and make clear the weaknesses of some of the complaints of the contractors and the public officials. To that extent the report of the Surety Association deserves the attention of municipal and corporate officials. A complete picture of all the difficulties in contract bonding demands, however, an equally clear and comprehensive statement by the critics of present practices in such bonding.

GEORGE M. LINK.

Board of Estimate and Taxation, Minneapolis.



THE BOOK OF BEUTHEN, UPPER SILESIA. Edited by Erwin Stein. Berlin: Kommunal-Verlag. 1925. Pp. 272.

If in the future some political cataclysm should separate the eastern part of the United States from the western in such fashion that the border line ran through the city of Pittsburgh, then we should have a situation similar to that in which the city of Beuthen found itself when the League of Nations cut the Gordian knot of the indissoluble differences between the Poles and Germans of Upper Silesia in 1922. Beuthen had to grapple with the grave problems of rearranging its political, economic and social life to meet this necessarily arbitrary division at the same time that it faced the hardships common to all German cities in the post war period. It is these exceptional

problems which lend special interest to the volume on Beuthen O/S. in the series of monographs on German cities. The usual thorough treatment of the subject from many angles is found, shot through warp and woof with a fierce non-acceptance of the present boundary line as a finality which augurs ill for continuance of the "spirit of Locarno." Profuse illustrations and several maps help to make clear the situation in this important mining center before and after it was disrupted.

GEORGE H. McCaffrey.



THE HYDROGRAPHIC OFFICE. By Gustavus A. Weber.

THE BUREAU OF NATURALIZATION. By Darrell Havenor Smith. Respectively Nos. 42 and 43 of the Service Monographs of the United States Government issued by the Institute for Government Research. Baltimore. The Johns Hopkins Press.

The Service Monographs are too well known to need additional comment. These new additions are short (Circ. 100 pp.) and authoritative. They are molded to the general plan which has been followed throughout the series, though the material on personnel is presented in the appendix rather than as a separate chapter as has been done in a number of the other studies. This is an improvement from the standpoint of presentation. It is to be regretted that the more or less ironclad editorial specifications governing these studies proscribe the use of organization charts and geographic maps upon which may be traced the various administrative geographic divisions of our Empire. The only map so far appears in the National Park Service.

L. G.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

The United States Supreme Court Upholds Zoning.—The supreme court of the United States sustains zoning as a reasonable and proper exercise of the police power. The decision, handed down the latter part of last November, was rendered in the case of *Village of Euclid v. Ambler Realty Company*, originating in Ohio, brought in the lower United States court on account of the fact that the parties were citizens of different states, and appealed to the supreme court. The ordinance was attacked on the familiar ground that it was a taking of property contrary to the Ohio constitution and similar provisions of the Fourteenth Amendment of the Constitution of the United States.

The Euclid village ordinance created one-family, one- and two-family and general residential districts, and business and industrial use districts, height districts, and area districts more or less of the usual character. None of the contestant's property was situated in a one-family use district, and the court declined to pass upon the constitutionality of such district, but did uphold the validity of one- and two-family districts from which not only stores and factories, but tenement or apartment houses were excluded, as well as the constitutionality of height and area districts.

The relief sought was an injunction against the enforcement of the ordinance as a whole on the ground that it constituted a cloud upon the title of the contestants and affected unfavorably the marketability and value of its land. The ordinance contained special provisions in great number, but the court refused to pass upon them in detail on the ground that they were not involved in the action as brought, and contented itself with passing upon and upholding the validity of the general principles of zoning and its major provisions.

The court considered regulations of height, area, and of use in so far as it consists of exclusion of nuisance industries and also of industries not nuisances but simply out of place, clearly constitutional under their former decisions; and goes on to say:

We find no difficulty in sustaining restrictions of the kind thus far reviewed. The serious question in the case arises over the provisions of the ordinance excluding from residential districts apartment houses, business houses, retail stores and shops, and other like establishments.

This question involves the validity of what is really the crux of the more recent zoning legislation, namely, the creation and maintenance of residential districts, from which business and trade of every sort, including hotels and apartment houses, are excluded. Upon that question this Court has not thus far spoken.

The decisions of the State courts are numerous and conflicting; but those which broadly sustain the power greatly outnumber those which deny it altogether or narrowly limit it; and it is very apparent that there is a constantly increasing tendency in the direction of the broader view.

The "broader view" is the one taken by the supreme court of the United States. There is little that is new in the opinion. The judges, very wisely, content themselves with affirming the principles already enunciated in the state courts. One novel point, important in regional zoning under present conditions is, however, considered.

The village of Euclid, physically a suburb of Cleveland, is politically a separate municipality. The ordinance regulates the course of industrial development originating outside its borders, determining,

not that industrial development shall cease at its boundaries, but that the course of such development shall proceed within definitely fixed lines.

With regard to this determination, the court says:

If it be a proper exercise of the police power to relegate industrial establishments to localities separated from residential sections, it is not easy to find a sufficient reason for denying the power because the effect of its exercise is to divert an industrial flow from the course which it would follow, to the injury of the residential public if left alone, to another course where such injury will be obviated. It is not meant by this, however, to exclude

the possibility of cases where the general public interest would so far outweigh the interest of the municipality that the municipality would not be allowed to stand in the way.

FRANK B. WILLIAMS.

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Torts—Extent of Statutory Liability in South Carolina.—In *Youngblood v. Town of York*, 134 S. E. 1, the plaintiff brought an action for personal injuries sustained while in the defendant's employ as a laborer in the water and light department. The injury was caused by the breaking of a lighting pole on which the plaintiff was working. The supreme court affirmed the judgment of nonsuit on the ground that the evidence showed that the pole, although belonging to the town, was located on private property and not on any public street.

This and similar decisions in South Carolina illustrate the difficulties that may arise when statutory is substituted for common-law liability. The courts of South Carolina, disgusted with the inconsistencies resulting from an attempt to apply the distinction between governmental and proprietary functions as a test of liability in tort, took the ground that a municipal corporation should not be held liable in tort unless so provided by statute. (See *Irvine v. Greenwood*, 89 S. C. 511, 72 S. E. 228.) The statute imposing liability for negligence in the care of the streets was so broadly applied that in *Creps v. Columbia* (104 S. C. 371, 89 S. E. 316) the plaintiff was given a recovery for injuries due to the negligent operation of a fire truck, the act being in violation of the duty to keep the streets in a safe condition. In the instant case, therefore, the town would have been held liable under the statute, had the pole been erected in a highway. The effect of the limitation of liability to negligent acts or omissions relative to the care of streets may thus be quite as unfortunate as that resulting from the generally accepted test, as illustrated in the Georgia case of *Autrey v. Augusta* (127 S. E. 796), in which the city was held exempt from liability because the unguarded hole into which the plaintiff fell was on the side of a water-works cut-off that led to a public park, which the court held was maintained as a governmental function.

In the recent case of *Wrighton v. Highland Park* (210 N. W. 250) the supreme court of Michigan refused to extend the statute of 1915 requiring a municipality to place a horn on its

automobiles to impose liability for injuries to a pedestrian injured by a city truck drawing sand for the street department and not so equipped. Had the accident been caused by the failure of the city to keep its streets in repair, the liability imposed by statute in Michigan would have been applied. (*Cone v. Detroit*, 191 Mich. 198, 157 N. W. 417.)

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Torts—Liability of School Districts for Negligence Resulting in Injuries to Pupils.—The supreme court of Washington recently affirmed a judgment in favor of a pupil who was severely burned while on the playgrounds by coming in contact with a wire carrying an electric current. (*Rice v. School District*, 248 Pac. 388.) The wire had been strung as an aerial for an entertainment given by the parent-teachers association in the schoolhouse the previous evening. It had been put up by the principal and janitor and had fallen during the night, coming in contact with a high power electric wire of the local lighting system. In holding the district liable because of its negligence in the discharge of its duty properly to supervise the playground, the court followed well-established precedents.¹

This result in Washington is predicated upon a statute passed in 1869, imposing liability upon municipal corporations for acts or omissions invading the rights of the plaintiff, which is construed to cover negligence in the performance of governmental as well as proprietary functions. (*Howard v. Tacoma School District*, 88 Wash. 167, 152 Pac. 1915.) A similar statute in Oregon and Minnesota is held to apply only to negligence in the performance of proprietary functions. (*West v. School District*, 68 Ore. 474, 137 Pac. 749; *Bank v. Bramard School District*, 49 Minn. 106, 51 N. W. 814.) In 1917 the Washington statute was amended to exempt school districts from liability in connection with any park, playground, field house, athletic apparatus or appliance or manual training equipment. In *Stovall v. School District*, it was held that the amendment did not apply to the case of a child injured by a steel tank left temporarily in the school yard, it not being a playground apparatus.

The rule here applied based upon statutory construction may well be compared with that

¹ *Bruenn v. North Yakima School District*, 101 Wash. 374, 174, Pac. 569.

Stovall v. School District, 110 Wash. 97, 188 Pac. 12.

propounded by the court of appeals of New York in the case of *Herman v. Board of Education* (234 N. Y. 196, 137 N. E. 24) in which a pupil was allowed to recover for injuries received while operating an unguarded buzz saw in the course in manual training. The court held that when the duty is upon the city itself and not upon public officers appointed by it, when it accepts the duty and power to perform it, then, as to itself and its own agents, it may be liable for negligent omission to do or for doing in a negligent way the duty thus imposed and accepted, and this regardless of the question whether the duty pertains to a governmental function as education, or to one of a private or proprietary nature. If on the other hand the act of the agent is *ultra vires*; and beyond the duty accepted, the doctrine of respondeat superior does not apply to change the municipal corporation. Upon the ground that the supervision of athletic activities is not a duty of the district under the rule above stated, it was held in *Katterschinsky v. Board of Education of the City of New York* (212 N. Y. S. 424) that the city could not be held liable for negligence of teachers in charge of athletic exercises conducted in the courtyard of the school. In the instant case, the duty properly to look after the safety of young children on the school grounds is recognized as one imposed upon the district and, therefore, the negligence of the agent is held to charge the district with liability.



Officers' Pensions—Power of City to Increase Annuities of Beneficiaries.—By a decision handed down October 16, 1926, the supreme court of California upheld the power of the city of Los Angeles to grant an increase in annuity from the firemen's pension fund to a widow of a fireman who lost his life in action in 1907. (*Home v. Souden*, 250 Pac. 102.) At the time of his death, the ordinance authorized a payment to her equivalent to one-third his annual salary, but by a charter amendment in 1913, ratified by an ordinance of 1920, the pension of widows of firemen losing their lives from injuries received in the discharge of their duties was increased to one-half the annual salary, and made to apply to existing as well as prospective beneficiaries.

It is generally recognized that pensions to municipal employees are not gratuities, but are in the nature of compensation for services rendered and therefore the power to establish a pension system may be either expressly or impliedly

granted. (*Bowler v. Nagle*, 228 Mich. 434; 200 N. W. 258.) As the legislature has power to fix salaries and wages, it may require the establishment of pension systems for municipal employees (*State v. Love*, 131 N. W. 196) and in turn may transfer the funds collected for that purpose to other purposes (*Pennie v. Reis*, 132 U. S. 464). Under constitutional restrictions upon granting any additional compensation to municipal employees, however, it is generally held that pensions may not be paid to those who had been employees before the system was established (*Mahon v. Board of Education*, 171 N. Y. 273; *State v. Ziagenheim*, 144 Mo. 283). In *State v. Volunteer Firemen's Relief Association*, 134 Atl. 694, decided by the superior court of Delaware last June, a statute directing a payment by the city of Wilmington into the treasury of the association operated for the benefit of its members who had formerly served as volunteer firemen was held to be invalid as an appropriation of public funds for a private purpose.



Contracts—Lowest Responsible Bidder.—In *Gjellefald v. Hunt* decided September 21, 1926 (210 N. W. 122) the supreme court of Iowa reviews the decisions upon the effect of the statutory provision that municipal contracts should be let to the lowest responsible bidder. After the call for bids to construct a county drainage ditch, a contract was let inserting an additional payment for work through rock or quicksand not mentioned in the published specifications. In an action for the balance due under the provisions of the written agreement, the court affirmed the decision of the lower court that the supervisors were without power to enter into the contract as they failed to observe the statutory requirements.

As the whole theory of awarding public contracts to the lowest responsible bidder, after advertisement, is to create competition between the bidders and secure the best price for the public, there must be established in advance a fixed basis for comparison of bids consisting of definite specifications covering the entire work. Additional stipulations, not mentioned in the public notice for bidding, constituting material changes, if included in the agreement entered into upon the award, invalidate its effect as a contract. This result is a necessary conclusion from the doctrine of delegated powers; which can be exercised only in the way set forth if the statute specifies the manner in which the power

may be exercised. So if the statute requires a bond, or the formality of a writing, no contract is valid unless the municipality complies with the requirement. The selection of the lowest responsible bidder is a discretionary act of the municipal authorities but their determination

is not necessarily conclusive. An arbitrary decision by such a body to accept a higher bid without facts to justify the finding of irresponsibility of the lowest bidder cannot have the effect of a judicial determination. (*People v. Gleason*, 121 N. Y. 631.)

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Transit and Tax Values.—An interesting question of importance to all large cities has been raised in New York by Gerhard M. Dahl, chairman of the board of directors of the Brooklyn-Manhattan Transit Corporation, in his public discussion of the New York City transit situation. The idea has gained currency that even if the interest and sinking fund charges on the city's bonds issued for new subways would have to be paid out of taxes, the tax on the increase in property values created by the new facilities would be sufficient to pay the charges on the additional bond issues,—which would thus be actually self-sustaining even if directly supported out of taxes instead of revenues collected from the riders.

This view is sharply challenged by Mr. Dahl, with an imposing array of figures. For our present purpose, his figures will be disregarded because they would require too much explanation; some of them appear to be of doubtful validity. He holds that in general property values are not increased sufficiently by new transit lines to pay the fixed charges on the city's construction bonds, and that the new developments require also many other city outlays that must be supported by taxes; more schools, more paving, more sewers, more police, etc., etc. When all these additional costs have been paid out of taxes, the higher valuation has been absorbed without leaving any margin for the subway bonds. His conclusion, therefore, is that the carrying charges should be paid by the riders and not by the taxpayers.

The question thus raised is extremely important. Whatever may be said as to the correctness of Mr. Dahl's views regarding the local New York situation, any municipality undertaking to provide new transportation facilities must properly take into consideration more than the one question, whether the higher real estate values to be produced will justify the required investment through the increase in gross taxes. Mr. Dahl is right,—there are many other public costs due to real estate developments produced by new transit lines. There is always the danger that only the credits, without the debits, will be considered in the analysis and arguments for particular transportation proposals.

But there must be care also that all the credits are included. Mr. Dahl in his discussion merely referred to the increase in property values attributable to the added transportation,—and he appeared rather niggardly in computing this particular credit. There are, however, other items to be evaluated, including the effect upon the distribution of population, the convenience of business, the promotion of health and well being, and the relief of congestion, also the question whether the new facilities do not prevent an otherwise deterioration of real estate values. The summation of credits and debits is at best a difficult matter and requires a great deal of expert guessing. Unfortunately the municipal programs as adopted are usually based largely upon political considerations and are supported by well sounding catch words without an impartial and scientific evaluation of benefits and costs to the municipality at large.

But let us assume that in a particular instance the proposed facilities are warranted by the balancing of total credits and debits, but that the additional debt charges cannot be paid out of the taxes from the new real estate values. In such a case Mr. Dahl would require the riders to pay all the additional costs, including interest and sinking fund charges on the required investment. He thus raised an important question of policy. Is he correct? Why, for example, should not the directly benefited property holders be assessed at least in part for the cost of the improvement? Are they not beneficiaries even after the payment of taxes in the enhanced values? Why should not the general business interests—stores, office buildings, apartment houses—contribute somewhat in accordance to the benefit to the business? Why should not the public at large help to pay in part the cost of promoting the health and welfare of the community?

These are questions which will inevitably receive increasing consideration by the cities,—not only because the implied answers are eminently reasonable and just, but because in many instances proposed transit facilities which are economically and socially justified cannot be made financially self-supporting through fares paid by

the riders. What should be done in such cases? Give up the improvements or place an appropriate part of the costs upon other benefited classes?

✱

New York City Local Five-Cent Fare Law Invalid.—The recent decision of the court of appeals, the highest court in the state of New York, in effect declaring a New York City local five-cent fare law invalid, will have great importance not only for the city of New York so far as its local transit problem is concerned, but will affect the home rule situation in the entire state and possibly in other states.

Acting under the home rule amendment of the state constitution (Article 12) and the home rule law, the municipal assembly of the city of New York adopted the so-called Local Law No. 16, which nominally became effective on September 17, 1925, but was subject to approval in a referendum by the affirmative vote of the majority of the qualified electors of the city voting on the matter. There was not sufficient time to place the proposition before the electors in November, 1925; consequently it was to be submitted in November, 1926. In the meanwhile, however, legal action was started to prevent the board of elections from placing it upon the referendum ballot and thus to defeat the object of the local law. This action succeeded by order of the court of appeals, on October 22, 1926 (*Frank J. McCabe, Appellant v. The Board of Elections of the City of New York*). The law thus remains uncompleted and, therefore, inoperative.

The substance of the law was to forbid the board of estimate and apportionment "to adopt any resolution authorizing, or purporting to authorize, any change in any contract or franchise for the operation of any subway, or rapid transit railway, or street surface railway in the city of New York, the purpose or effect of which is to increase the fare of five (5) cents now provided by law, or which grants any operating company any preferential or bonus or subsidy, or releases it from any of its obligations to render the service to the public required by any contract or franchise whatsoever," unless the matter had been previously approved by a regular referendum vote and had been brought to such referendum through a petition signed by qualified voters equal in number at least 15 per cent of the total votes cast in the city for governor at the last gubernatorial election.

The effect of the law would, of course, have

been to tie the hands of the local authorities to deal with all important transit matters,—not only fares, but other financial and service requirements imposed by existing contracts and franchises. Any important action would have first required an impossible petition and a favorable referendum vote. This would obviously have been an impossible procedure, except that apparently the municipal assembly itself could have repealed the law without such a prior petition and referendum.

The decision of the court of appeals was doubtless influenced by the *impasse* that would have been created by the law. But it was not directly predicated upon the folly, but upon the fact that the law did not follow the requirements prescribed for the enactment of local laws, also that it went beyond the local domain and encroached upon state laws not subject to local action.

The situation is thus left in *statu quo*. All the transit matters remain subject to the power of the transit commission, the board of transportation, and the board of estimate and apportionment. The powers are already sufficiently diffused to make the fixing of definite responsibility impossible and the formulation of a program extremely difficult. The law which was invalidated would have added greatly to the difficulties of dealing with a complicated situation. The decision, therefore, disposes of an apparently undesirable local law by insisting that a municipality in adopting local legislation must follow strictly the requirements and limitations of the home rule law. While it may indicate a spirit of judicial overlordship on the part of the court—to pass on the wisdom of local legislation—technically it seems not to have limited in any material degree the domain and objects of home rule legislation.

✱

Differentials in Gas Rates.—In the November issue, we were pleased to include a letter by Dr. W. E. Bemis on "Gas Rates." This letter raised an extremely important question which has never received sufficient scientific and impartial investigation as to the facts. We believe that no one really knows to what extent, if any, differential rates should be established in the gas industry similar to electric rates. Dr. Bemis supported a flat rate for domestic users, and his point of view deserves careful consideration. We believe, however, that there is another point of view and are, therefore, pleased to publish the following letter:

To the Editor of the NATIONAL MUNICIPAL REVIEW:

I wish to take issue with the statement of Dr. Bemis quoted by Mr. Bauer in the Public Utility Section of the November REVIEW to the effect that gas for "domestic use should certainly remain under the flat rate." Neither the American Gas Association nor any of the larger Gas Companies have suggested, or desire to introduce, different rates for domestic cooking, domestic water heating, domestic refrigeration, etc. Practically the entire industry is agreed that in each territory the rate for gas for domestic use, other than house heating which is a quantity proposition, should be the same independently of the purpose for which the gas is burned.

What the gas industry decidedly wants, and believes to be in the public interest, is the incorporation of a service charge in the domestic gas schedule. Every gas company has large items of expense which are proportional to the number of customers and entirely independent of the amount of gas consumed. Every domestic customer on its mains, even if he does not use a single cubic foot of gas in the year, involves the company in considerable definite expense, such as the cost of meter reading, bookkeeping, billing; setting, repairing, replacing and testing meters; and the interest, taxes and depreciation on the meters and service pipes which the company provides for each customer. These expenses must be earned by the Company in some way and must appear somewhere in every rate schedule whether specified or not.

If the customer uses a small amount of gas these customer costs are relatively larger per 1000 cubic feet. Under a flat rate such a customer does not pay his fair share and the deficit is made up by the larger customers. In other words the larger domestic users are having to pay more than they should in order to make up

the losses on the unprofitable small customers.

The mistake should not be made of confusing the large user with the prosperous user, and the small user with the economic under-dog. The working man with several children, eating at home, will as a general rule use more gas than dwellers in apartment houses living largely at restaurants; professional men such as doctors who want to be able to use gas occasionally to sterilize instruments; and others who want gas service always available but use it very seldom. It is only fair that each and every customer of the gas company should pay the cost of what he gets, both service and gas. Equity as between the different customers of the Company requires that the customer or service cost be billed separately from the commodity cost or charge for gas consumed. It may reduce the strain on the thinking mechanism of the charitably inclined to know that the proposed rate readjustment will make the most convenient fuel, viz., gas, cheaper and more available in the many homes where all the housework is done by the family and every bit of labor saved pays dividends in health.

The man in the street looks upon the gas company as a monopoly. The men in the gas business are very much aware that it is a highly competitive business. Our direct competitors are coal, oil, and electricity. To get more business we must reduce our rates. We want a service charge because it will enable us to reduce our rates and sell gas more cheaply, and thereby increase the volume of gas sold.

Earlier in the article referred to Mr. Bauer says "that a single flat rate for all users (of electricity) would be a grave economic mistake." It is equally true that a single flat rate for all users of gas is a grave economic mistake.

Yours truly,

CHARLES H. PORTER.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY GEORGE H. McCaffrey

Annual Meeting.—The sixteenth meeting of the Governmental Research Conference was held in Rochester, N. Y., on November 22, 23 and 24, 1926. The attendance was large, especially in view of the fact that the conference was meeting alone. With R. A. Vandergrift present, Los Angeles took the prize for being the most distant organization represented away from the San Francisco Bureau which was represented by M. H. Gates. The new Pittsburgh Bureau was represented for the first time by Major Philip Matthews and Frank L. Olson, the revived Cincinnati Bureau by John B. Blandford, and the Municipal Administration Service, the long awaited central body of the research movement, by George H. McCaffrey.

The program committee, S. B. Story, A. E. Buck, Luther Gulick and L. D. Upson, had done their work so well that formal and informal sessions alternated with happy results. A demonstration of the photostat method of recording documents and maps at the plant of the Photostat Corporation was an interesting close to the first day's formal program and one particularly useful to the members of several bureaus which are actively studying this method. The proceedings of the formal sessions will be sent to all members of the conference, so no comment upon them need be made at this time, other than that those papers presented at the daytime sessions maintained the high level of previous meetings, while the delightful, whimsical touch in Dr. Whitney's description of the romance in industrial research and the prophetic review of the governmental research movement by Dr. Beard set a new standard for future banquets.

At the banquet on November 23, all those present received a copy of an attractive looking pamphlet, "Twenty Years of Municipal Research," which had been prepared by the Rochester Bureau staff. Copies of this pamphlet have since been sent to member bureaus and the new secretary has a few more for further distribution. Dr. Beard's address has been reprinted by the Municipal Administration Service

as the first of its series of pamphlets and monographs dealing with administrative problems.

At the business meeting of the conference it was announced that the Executive Committee elected for the coming year was W. C. Beyer, A. E. Buck, Luther Gulick, Walter Matschek and L. D. Upson. Selection of the next meeting place was left to the Executive Committee by vote of the conference with the indication that the consensus of opinion among those present was favorable to accepting the invitation to meet next year at New York.

The Executive Committee organized immediately after the close of the general conference meeting by electing Luther Gulick, chairman; William C. Beyer, vice chairman; and George H. McCaffrey, secretary.

✱

St. Louis Bureau of Municipal Research.—The adoption of a constitutional amendment in Missouri last November makes possible the establishment of a system of public pensions for police officers. The St. Louis Bureau has added this topic to its working program.

✱

Municipal Administration Service.—George H. McCaffrey has resigned as director of the service, effective January 1, in order to accept the post of understudy to Mr. F. B. DeBerard, head of the research department in the Merchants Association of New York.

✱

Citizens' Research Institute of Canada.—An administrative survey of St. John, N. B., with special reference to assessments and financial control is being made by the Institute at the request of the St. John city council.

The Institute has published a report entitled "The Burden of Municipal Taxation in Some Canadian and United States Cities," containing per capita figures for seventeen cities, and a further report on "The Proportionate Increase in Taxation throughout the Dominion during the Period 1913-1924, Dominion, Provincial and Municipal."

Toronto Bureau of Municipal Research.—The sixth and last of the bureau series of bulletins on the city manager form of government has been published. This series has created widespread interest as is evidenced by the requests for copies and the use made of them by the Canadian press as articles and in editorials.

"The Educational System of Toronto," a white paper prepared by the bureau, and a report, "Vagaries of the Ward System of Municipal Government," with suggestions as to possible improvements in the system, will appear soon.

✱

National Institute of Public Administration.—W. A. Bassett, who has been a member of the staff for the past twelve years, has resigned to accept the newly created chair of municipal and industrial engineering at the Massachusetts Institute of Technology.

Bruce Smith has completed his survey of the Cincinnati police department. He is continuing his work for the New York State Crime Commission (Baumes Commission), and is at present making a study of the police department of Rochester, New York.

The Institute has undertaken a study of tax exempt securities in New York State for the Special Joint Committee on Taxation and Retrenchment of the New York State legislature.

A study is being made by the Institute for the Sub-Committee on Budget, Finance, and Revenue of the Mayor's Committee on Plan and Survey of New York City.

"Municipal Finance," by A. E. Buck in collaboration with other staff members of the Institute has appeared. It is published by Macmillan, 60 Fifth Avenue, New York City.

✱

Detroit Bureau of Governmental Research.—Mayor John W. Smith, of Detroit, has re-convened his Finance Committee and augmented its membership, for the purpose of revising the ten-year bond budget, which was presented in May, 1925. C. E. Rightor, of the staff of the Detroit Bureau of Governmental Research, has been reappointed secretary of the Committee.

August Vollmer, chief of police of Berkeley,

California, formerly chief of police of Los Angeles and more recently consultant for the police department of Havana, Cuba, completed his work as consultant to the Detroit police department January 1, 1927. Chief Vollmer's services were engaged for a period of three months for this purpose by the Detroit Bureau.

✱

The Des Moines Bureau of Municipal Research.—An analysis recently furnished by the Des Moines Bureau of Municipal Research shows that the tax payers will pay eventually a total of \$27,290,000 on city, school, and county bonds now outstanding to the amount of \$17,652,000. The difference represents the interest payments.

The analysis by the Bureau depicts graphically the annual principal and interest requirements of city, school, and county bonds during their term. An amazing irregularity in the annual debt charges is shown which must result in refunding more than one-third of the outstanding bonds unless corrective measures are taken. This situation has arisen through the issuance of term bonds without making any sinking fund provisions for their payment. The refunding may be avoided by a slight increase in the total tax rate for debt charges. The practice hitherto has been for each subdivision to act independently with respect to fixing its tax rate for debt charges. There is consequently greater irregularity in several of the years when large bond issues of one subdivision come due. If the amount of decrease in the debt tax rate of one subdivision is applied to the increase of the debt charge in another subdivision resulting from the maturity of bonds the latter can be paid off without refunding and these peaks in the load leveled off to a considerable degree. The chart of future maturities of bonds will also enable tax officials to arrange the maturities of future bonds to even up the present irregularities in annual bond charges.

The Bureau contemplates recommending to the state legislature a few changes in the present state bond laws relating, among other things, to the issuance of serial bonds and limiting the life of an issue to the period of usefulness expected from the objects of expenditures.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

A French Proposal on City Management.—After summarizing the manifold duties of the mayor and council members in a French commune and suggesting the practical impossibility of properly meeting them, the editor of the *Revue Municipale* refers to the system of hiring a professional executive as is being done in the United States and Canada. He follows up this suggestion by pointing out the fact that French communes are not nearly as well to do as the American and that it would not be possible for each commune to have a city manager. This leads to the suggestion that a trained executive might very well divide his time between several communes who would pool the necessary amount for his salary.—*Revue Municipale*, October, 1926.

✱

A New University Degree.—Last spring for the first time a doctoral examination was given at the University of Berlin in the field of local public administration. The preparation calls for at least six semesters of university study in the political science department, and covers national economy, finance and important branches of private and public law from the administrative standpoint. Of forty candidates who took an examination for a degree in national economy, five chose to be examined in this special field of administration.

The increased demand among municipal administrators for people trained in national economy is looked upon as a promising sign. In view of the problems with which local councils are confronted it seems clear that experts must be provided that will command not only a fund of legal knowledge but that will also be equipped with a comprehensive acquaintance of economics and finance. *Zeitschrift für Kommunalwirtschaft*, September 25, 1926.

✱

English View of Governmental Research.—The *English Journal of Public Administration* speaks in a most commendatory fashion of the proceedings of the Governmental Research Conference held in Pittsburgh in 1925. The critic makes a plea for open-mindedness toward American local government which is attacking, in his

opinion, governmental problems in a very progressive and refreshing way. He appreciates the likelihood of prejudice among English readers because of the undemocratic policies met with here and there in American government as compared with the English committee plan and because of some stylistic idiosyncrasies in the report itself. "Over the Goal Line with Municipal Research" is cited as a title that may not seem sufficiently sedate for a discussion of so sober a subject as local government. The remarks on the paper dealing with the method of preparing a ten-year financial program are distinctly laudatory. The writer concludes by commenting most favorably upon the contributions that the speakers at the Pittsburgh Conference have made and urges upon his readers that they take advantage of studying it, especially for purposes of comparison.—*Public Administration*, October, 1926.

✱

Police Exposition in Berlin.—An exhibition of German and international police activities was opened at the end of September in Berlin. This has stirred up much interest, not alone in Germany but also in other countries, and is said to be by far the most successful of the expositions since the World War. Contributions to the expositions have been made from all German countries, as well as a dozen other European countries. Three large halls have been used for purposes of display, so that ample opportunity is given to present all phases and aspects of police activity.

Models of buildings, and of police officials as well as of various important crimes, are used with telling effect. By these means both the earlier periods, as far back to the middle ages, and the most recent developments are presented. An opportunity is given to understand the organization of the police, its division into various specialized functions, the training school, welfare activities and the like. Due attention is given to the use of airplanes for pursuit purposes and the radio for the transmission of information. Special divisions are devoted to mining police, building police, the police in charge of forestry,

hunting, water, health, fisheries and the like. One of the halls has been assigned to the fire department and police in charge of crime. Samples of fire fighting apparatus from the earliest times find their place in the exposition. A complete precinct station is included under the criminal service. Pictures are given of some of the sensational crimes of recent years. One of the outstanding results of the exposition is that it brings closer together the police and the public. On every side one hears the advice that the police should not be looked upon as an enemy but rather as a friend and protector of the honest citizen.—*Zeitschrift für Kommunalinitschaft*, October 10, 1926.

✱

Recreation.—Standards developed by the German Committee for Physical Training and the Central Commission for Sport and Physical Exercise are set forth in a bill governing recreation places. It provides that each community shall set aside and maintain three square meters per capita for playground purposes and apportion the space in the following manner: One-half a square meter for free play of the school children up to ten years, and two and a half square meters for adults and children who have left school. Many of the medium sized and small cities are attempting to reach this standard as rapidly as possible. Other recommended standards are included in the bill.—*Zeitschrift für Kommunalwirtschaft*, September 25, 1925.

✱

Centralized Production of Electricity.—The English government has presented an electricity bill designed to concentrate the generation of electricity in a comparatively small number of stations and to construct a network of transmission lines through the length and breadth of the country. The work is to be entrusted to a central board operating under a loan from the treasury.

The stations generating electricity will be operated in accordance with the directions of the board, which will purchase all current at a fixed price, reselling to the owners of the stations and to other authorized distributors. In case of inability to come to agreement as to the cost of stations taken over by the board, transfer may be enforced by payment of cost less depreciation. Another provision is that the board shall have a right to close down uneconomic stations. This will necessarily involve the closing of a considerable number of small stations and possibly the

consideration of new ones which may be operated by the board in case it cannot find others to do it.

This measure, if adopted, will be the most comprehensive scheme for the unification of the nation's electrical supply in operation anywhere.—*Local Government News*, November, 1926.

✱

Progress in Administration.—Paul Otlet, the well-known writer on public administration, has summarized recent progress in administration. His thesis is that administration is now in a process of evolution, if not transformation, and that changes are being made more or less rapidly in almost all directions. He attempts to point out significant steps that have been taken in several countries.

United States. He refers to the work of the bureau of standards in the United States and calls attention particularly to the committees that have been engaged in preparing standard specifications for various supplies, including water, gas, electricity and the like.

England. In England reference is made to the work of the commission organized in 1917 under the chairmanship of Lord Haldane which set up principles concerning the machinery of government. The preparation of reports, the coördination of various departments and the making of investigations concerning the methods of procedure employed in the administration of the central government, its colonies and in foreign countries were emphasized.

Belgium. In Belgium the writer considers the economy commission which was instituted in 1922. The reports of this commission have not been published, but it is known that twenty-eight different studies have been made concerning pensions, reorganization of several departments, participation of the personnel in inventions, the press and publicity and similar matters.

He touches upon the creation of three censors, one of whom is designated by the king, another by the lower chamber and the third by the senate. This commission may enlist the services of specialists for the purpose of calling to the attention of the ministry and parliament flaws, abuses and uneconomic expenditures in the various services. It may propose reforms looking toward the improvement of these services or the more economical conduct of them, and receive and consider complaints from the public. Finally, a commission of simplification and improvement of fiscal control has been constituted.—*Les Sciences Administratives*, September, 1926.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Detroit Municipal Street Railway Manager Resigns.—Just when it appeared that the Detroit Street Railway system, owned and operated by the city, had worked its way out of initial problems in finance, replacements, etc., the municipal experiment seems to have run head on into the old problem of personnel and politics. Unprejudiced observers in Detroit admit that the system still has a good many difficulties to overcome in order to establish itself as a permanent success.

Under Mayor Couzens' leadership the city took over the system from the private company, with popular opinion largely favorable to an efficient, non-political administration. Following Mayor Couzens' resignation four years ago, Detroit suffered from political unrest and frequent change in the office of mayor. When the incumbent, John W. Smith, assumed office, he carried out his campaign promise to "fire" Ross Schram, the Couzens' appointee as general manager. In June, 1925, H. U. Wallace became manager under the Smith régime, having been brought from Knoxville, Tenn. Without public knowledge of dissatisfaction on his part, Wallace resigned last November, his resignation to become effective January 1.

Detroit citizens can only guess at the actual reasons which led Wallace to resign. His only public statement, that he wanted to give attention to personal business interests, is rather mystifying in view of the fact that he has been receiving a salary of \$18,000 per annum, which might be regarded as fairly good compensation.

Current rumors in the City Hall are popularly accepted and are to the effect that Wallace was not permitted the measure of authority which his responsibility required. Serious conflicts with the Street Car Men's Union, though compromised without open rupture, gave substance to the boast of a union leader: "We are running the D. S. R. ourselves; not the mayor, Wallace or anybody else."

Citizens are wondering whether union control and political manipulation of jobs, hours, schedules, trips, conditions, etc., are responsible for the discouragement and resignation of the general manager.

According to the charter the system is administered by a commission of three citizens appointed by the mayor. Commissioners expressed surprise over the Wallace resignation, but the public has very little inside information. Wallace's official record in Detroit has been excellent, justifying the favorable forecast made when he was appointed. There seems to be considerable suspicion that political favoritism, in some form, has intruded itself into the administration, at least to the extent of discouraging Mr. Wallace in his efforts to do his work without regard to politics, preferment or personal influence. So far as known, the system is operating successfully from the financial standpoint at a fare of six cents, plus one cent for transfer.

The apparent weakness in administration has been the willingness of the commission, appointed by the mayor, to regard its function as superficial and honorary when, under the charter, it is charged with full freedom and responsibility.



Successor to Recalled Officer.—Since the beginning of the operation of the recall in Oregon it has been clearly evident that the combination of the recall of an officer with the choice of his successor, perhaps himself, has confused issues and at times frustrated the real purpose of this instrument of government. The officer attacked has had at the same time to justify his official record, compete with the political ambitions of his opponent, sometimes several opponents, and face any personal prejudices of the voters. An aid toward the proper segregation of issues is the constitutional amendment, approved at the November election, providing that when an officer is recalled his place shall be filled in the manner provided by law for filling a vacancy in the office—generally appointment, but in some cases special election. Where the vacancy is filled by appointment, the amendment also removes a difficulty (sometimes serious enough entirely to block a popular recall movement) of securing a fit candidate willing to enter into a disagreeable contest with the incumbent. It is unfortunate that the amendment does not prohibit the appointment or election of the recalled officer. It is improbable that the power of appointment will

be thus abused; but, where the vacancy is to be filled at a special election, it is quite certain that candidates will be in mind at the earlier recall election, with resulting confusion of issues.

J. D. B.

✱

Pasadena Re-affirms Faith in Manager Plan.

—By a margin of two votes to one, the voters of Pasadena on November 2 defeated a proposition to abolish their city-manager form of government and to return to the mayor-council plan. At the same election the voters supported an amendment to the charter to strengthen the position of the city manager, who hereafter can be removed only by vote of at least five of the seven members of the city council, termed in Pasadena, the board of directors. A further amendment provides that the election of the seven members of the board of directors shall be at large, but requires that such directors shall be residents of districts into which the city is to be divided. Formerly their election had been at large without restriction. The victory for the city-manager forces brings to a climax a fight of several years' standing on the part of factions seeking to revert to the mayor-council system and those who wish to retain the manager plan. The former were represented by three members on the municipal board of directors, and the new amendment virtually legislates them out of office and gives the people an opportunity to return a unanimous council in favor of the manager plan if they so desire.

Pasadena has been under the city-manager form for nearly six years. During the first four years of this period, under the able managership of C. W. Koiner, the utmost harmony prevailed among the council. A great amount of public improvement work was inaugurated and \$3,500,000 in bonds were voted for a new civic center including city hall, library and auditorium. The seven men comprising the board of city directors were of the highest type of businessmen. The board, however, did not include in its membership representatives of the laboring and small home-owning classes of citizens. To them the rapid expansion of public improvements meant high taxation on their small properties, and considerable popular resentment against what seemed to them to be extravagant improvements was developed.

It would seem that the last election has cleared the atmosphere. Pasadena will retain the manager plan under a council designed to be

more closely representative of all the interests in the community.

✱

Public Management.—Beginning with the December issue, *City Manager Magazine*, the official publication of the International City Managers' Association, will bear the new name of *Public Management*.

This change, which was decided upon at the thirteenth annual convention of the association held in Colorado Springs in September, is the direct result of the growth of the magazine, and the expansion of the service of the association.

Eight years ago, *City Manager Magazine* had its beginning as a four-page mimeographed monthly bulletin sent to city managers and other persons interested in scientific public administration, as a means of keeping them in touch with one another, according to John G. Stutz, executive secretary of the association and editor of the magazine. Today it has grown into a monthly magazine of approximately 70 pages, and numbers among its subscribers, not only city officials of city-manager cities, but also public managers and administrators of all classes of municipalities, chambers of commerce, civic bodies, colleges and universities, public libraries, and citizens interested in public affairs.

✱

Santa Barbara Abandons Manager Government.

—Santa Barbara, California, adopted a new mayor and council charter on November 16, replacing the council-manager charter which has been in operation since January, 1918. The vote was 3,452 for and 2,186 against the new plan. One of the most hectic of political campaigns was waged over the proposed charter. The opponents condemned it because it destroyed the business form of government which had been entirely successful and substituted a political form giving an elected mayor "despotic" powers of appointment and removal.

The charter provides for a council of six to be elected by wards, a mayor, attorney, police judge, assessor, and a board of education to be elected by the people. The mayor is to appoint, subject to confirmation by the council, an engineer, a clerk and auditor, a treasurer and collector, a superintendent of the water works, a park commission of five, a board of health of six, five library trustees, three police and fire commissioners who in turn appoint the police and fire chiefs, a board of three fire and police pension commissioners, and five harbor commissioners. This

charter is a long cumbersome document of 154 sections and follows in general plan the one recently adopted in Los Angeles.

Porterville, California, has recently adopted a council-manager freeholders charter of the orthodox type. This charter follows closely in plan and verbiage the other council-manager charters adopted in California cities and becoming more or less of a model for adoption by cities of the fifth and sixth classes.

EDWIN A. COTTRELL.



The Iowa Primary Little Used.—Following the primary election of 1924 a tabulation was made to set forth the main facts relative to its use in the county elections of Iowa. The results are found in the NATIONAL MUNICIPAL REVIEW (December, 1924).

To determine whether there is any consistency in party practice another survey was made after the June elections of 1926. Republican ballots were secured from 62 of the 99 counties. Democratic from 60. The total number of offices involved is therefore slightly greater than in the earlier report.

The Republicans were to make nominations to 434 offices. Of this number 170 were contested. In 1924, in 59 counties, there were 175 contests. For 37 offices there were no candidates, making an increase of fifty per cent approximately, when compared with 1924. A smaller, but noticeable, decrease is found in the number of offices for which but one candidate filed.

The number of offices to be filled by the Democrats was 420. With one more county involved, their contests were reduced from 28 to 27. Those for which there was no contest were re-

duced from 191 to 176, showing a corresponding increase in the number for which they had one candidate.

The office of coroner continues to be the one in which there is the least interest. In 12 counties no candidate filed for either party.

Slightly more than half the total number of counties reporting were among those listed two years ago, making it impossible to make an accurate comparison. The statistics tend to show, however, that the primary does not result in a general, spirited contest. It is used most actively, however, in selecting a nominee for the offices of sheriff and attorney. An elastic compensation and varied possibilities doubtless cause an active interest in these positions.

W. L. WALLACE.

Iowa State Teachers College.



Alameda County Adopts Home Rule Charter.—The county of Alameda, California, including the cities of Oakland, Berkeley, Alameda, and Richmond, and ranking next to the counties of Los Angeles and San Francisco in population, adopted a freeholders home rule charter at the recent November election. The unofficial vote was 41,237 for and 34,302 against the proposal. The major features of this new charter are the shortening of the elective officer list, the inclusion of a well planned personnel regulation, an adequate budget and accounting procedure, scientific appraisal of property by experts in addition to that of the regularly elected assessor, and a provision that county officers may assume municipal functions when so requested by the cities within the county.

EDWIN A. COTTRELL.

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A MODEL REGISTRATION SYSTEM

REPORT
OF THE
COMMITTEE ON ELECTION ADMINISTRATION
OF THE
NATIONAL MUNICIPAL LEAGUE

Supplement to the
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FOREWORD

THE systems of registration for elections generally in vogue in the United States are inconvenient to the voter, expensive in operation and ineffective in preventing fraudulent voting. The get-out-the-vote movement has attracted much popular attention to the first defect, and for a considerable while students have been acutely conscious of the second and third.

The following report describes concisely present systems of registration in the United States and the manner in which they are operating.

Part III sets forth in detail the specifications for what the committee believes to be an effective method of registration, meeting the criticisms leveled at present practices. These specifications do not contain untried theoretical proposals, but rather consist of the best features of the most successful existing registration systems. Due to the widely varying election systems among the several states, the committee has made no effort to draft a model statute governing registration. The specifications for such a statute, however, have been set forth in detail, with comment on each point; and may be readily fitted into the election framework of a particular state.

The committee is deeply indebted to its secretary, Dr. Joseph P. Harris, of Madison, Wisconsin, who has visited all parts of the United States in a study of registration systems, under a traveling fellowship granted by the Social Science Research Council.

The original draft for the criticism of the members of the committee was prepared by him and the final draft published herewith was revised by him in accordance with the instructions of the committee. Dr. Harris will soon publish a book on the subject discussing at greater length the results of his researches.

THE COMMITTEE ON ELECTION ADMINISTRATION.

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JOSEPH P. HARRIS, University of Wisconsin, *Secretary*.
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J. H. ZEMANSKY, Registrar of Voters, San Francisco.

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A MODEL REGISTRATION SYSTEM

PART I

THE NEED OF REGISTRATION IMPROVEMENT

THERE are three outstanding criteria by which any registration system may be appraised: namely, first, convenience to the voter; second, cost of operation; and third, effectiveness in preventing fraudulent voting. At the present time, because of the growing concern over the decrease in voting, the greatest emphasis is placed upon the convenience to the voter. It is widely believed that existing systems require modification and amendment to make the process easier for the voter. The problem of non-voting cannot be solved by improving registration alone, but this is one of the most practical steps which can be taken in the direction of stimulating voting. The campaign to get the voters registered is usually half of the entire campaign to get the vote out, and a convenient system makes it possible for civic organizations and patriotic citizens to work more effectively. Cumbersome and inconvenient registration systems are a deterrent to voting, particularly independent voting, but are a positive asset to the strong political machine, which sees to it that its controlled voters are always registered while the independent voter neglects or forgets to register and loses his vote. The vigorous opposition of the political machines of Pennsylvania, Ohio, Illinois and other states to registration reform affords convincing proof of this statement.

It is impossible even to estimate the cost in time and bother to the mass of citizens to keep registered under existing inconvenient registration systems. In a number of states they must register

every year, and are permitted to register only on two or three specified days when sessions are held in the precinct. This seems to the politician a simple requirement and a convenient system, for he knows the exact days, the hours, and the place for registration; it is his business to know these details and to remind his voters of them. But to the average citizen with no professional interest in politics it is a great bother. He must watch the papers for announcements of the registration days and places; other interests may be pressing on these particular days and he may put the duty of registering off until the last day and then forget about it. He may go to the polls to register on the way to work and find that there is a long line waiting. If he changes his residence he is required to register again, regardless of the fact that he has already registered during the same year.

In some states, a new registration is held only every two years or every four years, which is a distinct improvement in convenience to the citizen. Still, under such systems the citizen is not always sure just when he is required to register anew, and always he has to register anew when he moves. If he does not keep track of the particular days of registration he may find himself unregistered after the last day has passed. Most existing registration systems were enacted before any consideration was given to the idea that participation in elections should be made easy and convenient for the voter. Such systems can be justified only upon the ground that they are essential to

clean elections—an argument which is frequently made, but inadequately supported with facts.

Under the best systems of registration the voter, once registered, remains registered for life, or as long as he continues to reside within the city or county in which he is registered. If he changes his residence within the city or county he is permitted to transfer his registration to his new address by merely mailing to the registration office a request for such transfer, and in Boston even this is done for him without any bother on his part, through the annual census of all residents. In most registration systems the voter has only a few days in the year in which he can register, but in a few systems he is permitted to attend to registration any day (except Sundays and holidays) throughout the entire year.

The money cost of most existing registration systems is unduly high, averaging for most large cities between fifty cents and one dollar annually per registered voter, though the cost under some of the best registration systems of the country is less than twenty-five cents per registered voter annually. The cost of registration per registered voter annually varies all the way from 12.5 cents in Milwaukee, and even less in some smaller cities, to \$1.33 in Philadelphia. If Milwaukee can operate one of the best registration systems in the entire country at a cost of only 12.5 cents annually per registered voter, it can be said with reason that any system which costs more than twice that amount is unduly expensive. Registration systems found in large cities usually cost from four to eight times this amount. The average annual cost of registration in Kansas City, Mo., for example, is \$127,784.07, or 84.2 cents per registered voter. If a registration system were adopted which could be operated at 25 cents per

registered voter annually, the cost would be reduced to approximately \$37,875.00 annually, at a saving of approximately \$90,000.00 annually. The cost of registration for most places, including rural sections as well as cities, could easily be reduced to a half or a third of the present cost through a sound system of registration, which would also be more convenient to the voter and more effective in preventing voting frauds.

The registration systems to-day which are the most expensive and most burdensome upon the voter are at the same time the least effective in preventing fraud. Philadelphia and Chicago with the most expensive systems of registration in the country also have the greatest amount of election frauds. Effectiveness in preventing registration frauds does not come through the expensive process of conducting a new registration annually or biennially or through an obsolete system of records. Too much emphasis is placed at present upon the mere act of recording the registration of voters with too little emphasis upon investigating and purging the registration lists of dead weight. The latter is the crucial part of the registration system of any large city.

No one can determine with accuracy the amount or kinds of voting frauds which are now carried on. Investigations of election frauds have always shocked the unsuspecting citizen who supposed that elections were honestly conducted because he saw nothing out of the way in his own precinct. Recent investigations in Chicago and Philadelphia indicate fraudulent voting upon a wide scale and doubtless similar investigations in other cities would produce similar results. With the movement for increased participation in elections there is likely to come a breaking down of the requirements of registration systems, with a consequent return to

the gross election frauds of previous years. What is needed is to modify existing registration systems for the convenience of the voter, but to retain and strengthen the features which afford protection against fraudulent voting.

Most existing registration systems are woefully out of date. The records used are those of the general type prevailing fifty years ago, and the procedure has undergone little change within that period. Practically the entire amount of clerical work of election offices is still written out by hand, and many large election offices do not have a single competent stenographer or typist. There are, however, a number of registration systems found in different states which are up-to-date in records, equipment, and procedure, and afford a striking contrast to the usual system. The principal features of these systems, which have operated successfully in actual practice, may be combined to form a model system. There is nothing theoretical or academic about the preparation of specifications for a model registration system, based upon the actual experience of various successful systems now in use. There is no one system which is entirely successful in all respects, but a model system would consist of features drawn from all of the best registration systems now in operation. The specifications of the proposed model registration system have not been spun out of thin air in the academic style of closet philosophers. They are based upon the existing systems as they actually operate, and consist entirely of provisions which are already in use in one or more places.

What are the essentials of a model registration system? The three outstanding objectives of a registration system are obvious: namely, convenience to the voter, economical opera-

tion, and effective prevention of voting frauds. Convenience to the voter is a relative matter, but the most practical forward step is to make registration permanent and to provide for an easy method of transfer to take care of the voter who changes his residence. The voter should be accommodated by having registration conducted throughout the year, or at least for several months prior to the election, and in large cities registration offices should be opened up in various sections of the city during the closing days before elections.

Economical operation of registration systems is to be secured principally through permanent registration, thus avoiding the high cost of a new registration every one, two, or four years, and also by doing away with precinct registration, which is the most expensive feature of existing systems. The clerical work in the registration office may be greatly reduced through a good system of records.

Effective prevention of voting frauds can be secured only through thorough provisions for purging the registers of dead wood, and by identifying the voter when he applies at the polls to vote. The registration lists may be purged most effectively by the use of death reports, cancellation for failure to vote, and in large cities, by a house to house canvass of registered voters, or a census of all adult residents, checked later against the registers.

These are only a few of the outstanding mechanical features of the most successful registration systems of the country. A sound registration system requires careful attention to many other details which cannot be considered here but which are taken up in detail in Part III of this report. It also requires competent and responsible personnel, which is the exception rather than the rule under existing election

administration. In general, it may be said that the most needed reform in the personnel of registration and election administration is to substitute responsible individual control in the place of the present irresponsible control exercised by party machines.

Is it possible to set up a model registration system which would be suitable for the various states, including rural sections and cities? The problem of registration varies somewhat from state to state, but particularly is the problem different in large cities than in smaller cities and rural sections. Larger cities require greater care in investigation and purging of the registration lists, though in most other respects the variation in the size of cities does not call for different registration administration. In some states the party machines are stronger and the problem of fraud greater, requiring greater safeguards against frauds than are necessary in other states where the party machines have largely broken down.

Many large cities have registration systems that would be totally inapplicable to rural sections and smaller cities, but these systems are unsound and cumbersome, and are in reality not

adapted even to the largest cities. The essential features of a sound registration system are applicable, in the main, to the entire country. It is true, however, that the exact language of a registration law should be drafted to fit into the election law of the particular state for which it is designed. Usually it will be necessary to carry along the existing election machinery for the conduct of registrations as far as possible. For these reasons it would be difficult to draft a model law which could be used in the several states without serious modification. It has been felt to be more expedient to set forth the recommendations in the form of specifications. These specifications do not provide a ready finished product which may be adopted *in toto* for individual cities or states, just as a model city plan or the principles of city planning do not provide a city plan for a particular city. The registration law for any city or state should be drafted with careful attention to the local election law and organization, as well as any peculiar local problems, and should be prepared by a competent person who has a thorough knowledge of registration administration.

PART II

PRESENT STATUS OF REGISTRATION FOR VOTING IN THE UNITED STATES ¹

1. PURPOSE OF REGISTRATION

THE requirement of registration for voting is probably the most important means taken to safeguard the ballot

box from fraudulent votes. Before registration was required gangs of "re-

articles in the NATIONAL MUNICIPAL REVIEW as follows:

F. L. Olson, *Permanent Registration Successful in Minneapolis*, Sept., 1924.

J. P. Harris, *Registration for Voting in Milwaukee*, Oct., 1925; *Registration for Voting in San Francisco*, April, 1926, and *The Permanent Registration System of Boston*, Sept., 1926; *Permanent Election Registration in Omaha*, Nov., 1926.

¹ For an excellent brief description of registration systems see a pamphlet by Helen M. Rocca, *Registration Laws*, published by the National League of Women Voters, Washington, D. C. (1925).

The best accounts of the registration systems of individual cities is contained in a series of

peaters" were organized in many cities and voted successively in one precinct after another. Even under the loose systems of registration first enacted this practice still prevailed in many cities. Usually the "repeaters" were voted under fictitious names placed upon the registers for the purpose, but if the political situation required it, they were also voted under the names of *bona fide* voters. During these "good old" days it was quite common for the voter to find that some one had already voted under his name—a thing which even happened to very prominent men. If he protested, he was likely to be thrown out of the polling booth bodily, and if he did not then desist, a policeman would be called to arrest him for disorderly conduct.

Colonization and impersonation have been used to swing close elections in cities with corrupt political machines, where the registration system was weak, or corruptly administered. These forms of fraud, however, were found to be expensive, cumbersome, and somewhat dangerous, and in many cities came to be discarded for a later and more efficient method of stealing the election. This method was to pad the registration list with the names of persons who had died or moved away, and fictitious names, sometimes from fictitious addresses, and on the day of election have the corrupt precinct election board check off the names and drop the ballots into the box, without the bother of sending "repeaters" around to do this. This is the most prevalent form of voting fraud today.

The main purpose of registration is to afford time for the investigation of the qualifications of those who claim to be qualified electors. Without some form of registration, the election judges at the polls must pass then and there upon the qualifications of all persons who claim the right to vote, and the

"repeater" incurs little danger of detection and punishment.

It must be borne in mind, however, that the requirement of registration, *per se*, is not effective in preventing voting frauds. Some of the most flagrant cases of voting frauds have been carried out under a cloak of protection offered by a weak or defective registration system. Unless effective means are taken to investigate the qualifications of those who are registered, and the registration list kept clean of dead weight or fictitious registrations, registration may do more harm than good.

A second outstanding purpose of the requirement of registration is to identify the voter at the polls. If each applicant to vote is identified as to whether he is the identical person registered, most voting frauds will be effectively prevented. Registration systems usually contain certain features designed to identify the voter, but, in the main, the methods used are obsolete and practically valueless. In a few places, however, the voter is positively identified by the use of his signature, which is required, when he registers and also when he votes.

2. CONSTITUTIONALITY OF REGISTRATION LAWS

The constitutionality of registration laws has been attacked in the courts of almost every state, but, in the main, registration laws which do not necessarily deprive any group of voters of the right of suffrage, or are not otherwise unreasonable, have been upheld, and the question of constitutionality is largely closed. In a few states compulsory prior registration has been held unconstitutional on the ground that the franchise, granted by the constitution, is in force and effect on the day of election, and any person qualified to vote may not be deprived of the right

by any requirement that he register beforehand.¹ Under these decisions it is necessary to provide some means whereby the unregistered elector may swear in his vote at the polls—a provision which works badly and breaks down in the precincts where protection is most needed.² Fortunately, the courts have generally held that compulsory prior registration is valid if the voter is given a reasonable opportunity to register.³ It was early held in the leading registration case, *Capen v. Foster*,⁴ by Chief Justice Shaw that registration does not constitute an additional suffrage qualification, but is a reasonable regulation thereof.

A registration law which did not provide for sessions prior to every election was held invalid on the ground that it in effect disfranchised one group of voters,⁵ and a recent decision in Kentucky held a registration law unconstitutional because it provided only one day of registration sessions each year.⁶ Registration acts which have provided for the close of registration longer before the election than the minimum residence requirements have been held unconstitutional.⁷

¹ *State v. Moorehead*, 95 Neb. 80 (1914); *Dells v. Kennedy*, 49 Wis. 555 (1880); *White v. Multnomah County*, 10 Pac. 484 (Oregon, 1886).

² There are eight states which have some form of non-compulsory registration (Iowa, Mich., N. M., N. D., Ore., S. D., Wis., and Wyo.), while four other states have non-compulsory registration for a part of the state, and compulsory registration for cities of varying sizes (Ill., Minn., Neb., and Pa.). In some of these states, however, the constitutionality of compulsory prior registration has not been tested in the courts.

³ The two leading cases are: *State v. Butts*, 31 Kan. 537 (1884); and *People v. Hoffman*, 116 Ill. 587 (1886). There are many other cases.

⁴ 12 Pickering (Mass.) 485 (1832).

⁵ *Perkins v. Lucas*, 246 S. W. 150 (Ky., 1922); *People v. Strassheim*, 240 Ill. 279 (1909).

⁶ *Perkins v. Lucas*, 246 S. W. 150.

⁷ *Page v. Allen*, 58 Pa. St. 338 (1868); *Owens-*

Where the population of a state is partly urban and partly rural, especially if there are large cities, there arises the necessity for providing a separate registration system for the largest cities. In some states cities are classified upon the basis of population for the purpose of enacting registration laws. This classification has been attacked in a number of states, but, in general, has been upheld unless there is a constitutional prohibition of classification of cities, or a specific provision that all election laws shall be uniform throughout the state. The constitutional provisions that elections must be "free and equal,"⁸ or that all election laws must be "general,"⁹ has not been held to deprive the legislature of the power to classify cities for the purpose of providing registration laws.

3. THE REQUIREMENT OF REGISTRATION

Some form of registration is required for voting in forty-six states, though in eleven of these states registration is required only in cities.¹⁰ In Arkansas registration is prohibited by the state constitution,¹¹ and in Texas registration is permitted by the constitution only in cities of over 10,000 population.¹² These two states, however, require the production of a poll tax receipt, which

boro v. Hickman, 90 Ky. 629 (1890); *Attorney General v. Detroit*, 78 Mich. 545 (1889); *contra: State v. Mason*, 155 Mo. 486 (1899).

⁸ *Ladd v. Holmes*, 55 Pac. 714 (Ore., 1901); *De Walt v. Bartley*, 146 Pa. St. 529; *People v. Chicago Board of Elections*, 221 Ill. 9 (1906).

⁹ *People v. Gordon*, 274 Ill. 462 (1916), citing cases.

¹⁰ Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Tennessee, Wisconsin, and Wyoming. The size of the cities above which registration is required varies from 800 population in North Dakota to 100,000 in Missouri.

¹¹ Constitution of 1874, Art. III, Sec. 2.

¹² Art. 6, Sec. 4.

serves in a way as a substitute for registration. While registration is almost universally required in cities, it is generally believed that registration is not important for rural sections where the voters are personally acquainted with one another. A number of states do not require registration in rural sections, and other states provide only a very weak system, under which the rural voter is not required to apply for registration.

Registration is usually made a compulsory requirement for voting: that is, the registration books are closed at a specific time before the day of election, and no one may vote who is not duly registered. There are, however, twelve states which provide for non-compulsory registration, permitting an unregistered person to "swear in" his vote at the polls by the production of one or more witnesses.

As a general rule, registration systems apply alike to all elections conducted within the jurisdiction, but there are a few states which require registration for general county and state elections only, making no provision for municipal, primary, judicial, or special elections.¹ There are other states, however, which provide two or more separate and distinct registration systems, side by side, with one registration for municipal elections and an entirely different registration system for county and state elections.² The voter is required to maintain his registration under both systems in order to exercise the suffrage.

¹ For example, no registration is required for voting in the primary in Indiana, part of Illinois, Iowa, and for certain classes of voters in New Jersey. Oregon and a number of other states do not require registration for school elections, while parts of Illinois and West Virginia do not require registration for municipal elections.

² This is true of Idaho, Georgia, Colorado, West Virginia, and parts of other states.

4. FREQUENCY OF NEW REGISTRATION

Registration systems vary in the length of time which the registration is in force from annual to permanent. Under annual registration the voter must register every year in order to vote, and oftener if he moves during the year. Under permanent registration systems the voter remains registered so long as he continues to reside at the same address, and some systems provide means whereby he may transfer his registration from one address to another, avoiding the necessity of registering anew when he changes his residence. Under such systems the voter is registered for life, or at least for so long as he continues to reside in the same county or city.

Other systems of registration require a new registration every two years, four years, and in one case six years and in another ten years. The extent to which permanent registration is used is indicated in the following table:

PERMANENT REGISTRATION

<i>In State-Wide Use</i>	<i>Used in Part of State</i>
Alabama	Florida
Connecticut	Kansas
Georgia	Kentucky
Idaho	Louisiana
Indiana	Maryland
Maine	Michigan
Massachusetts	Minnesota
Mississippi	Nebraska
Montana	New Jersey
Nevada	Rhode Island
North Carolina	Wisconsin
Oklahoma	
Oregon	
Utah	
Virginia	

It would be unduly tedious to set forth here the practice in states which have periodic registration. A number of states have permanent registration in part, and also annual, biennial

or quadrennial in other parts. It is worth while to present, however, the practice in some of the largest cities.

FREQUENCY OF NEW REGISTRATION IN THE
LARGEST CITIES

<i>Annual</i>	<i>Biennial</i>
New York City	Chicago
Philadelphia	San Francisco
Cleveland	Los Angeles
Pittsburgh	Seattle
Cincinnati	Memphis
Rochester	
Buffalo	
<i>Quadrennial</i>	<i>Permanent</i>
Detroit	Boston
Baltimore	Milwaukee
New Orleans	Minneapolis
St. Louis	St. Paul
Kansas City	Omaha
	Denver
	Portland

A number of states have registration systems which are annual in form, but practically permanent in operation. In these states the registration officers are directed by law to meet on specified days annually and to prepare from their knowledge a list of qualified voters of the precinct. They usually simply copy the register of the preceding year, making additions and omissions to correct it up to date. Frequently the precinct registration officers are none too careful to correct the list, and consequently many names are carried along on the registers for years after the individuals have died or moved away. In the practical operation of this system the elector has his name continued on the registers without any effort on his part as long as he continues to reside within the precinct, and sometimes afterwards.

5. REGISTRATION OFFICERS

The administration of registrations is ordinarily placed in the hands of the officers who are charged with the

conduct of elections, and the problems of registration officers and election officers are coincident. No attempt will be made in this report to cover fully and adequately this complicated problem, but attention will be given to the phases of the problem which are of most significance to registration.

There is at present very little control or supervision over registrations exercised by state officers. Elections remain largely decentralized. In most states the secretary of state is given some nominal powers in relation to registration and elections, such as the preparation, publishing, and distribution of copies of the election laws of the states. In a few states he also furnishes election forms and blank records, which involve a printing contract of some political significance, and in Ohio he appoints the county election boards and exercises other powers over election.

In fourteen states the governor is given some power in connection with elections, usually an appointing power, either of the state election board in some Southern states, the election board of the largest cities in a number of states, or in Delaware the precinct officers themselves. This power of appointment in most states is more nominal than real. By custom or law the governor usually rubber-stamps the appointments of the party organizations, and the real selection is made by them. In a few states, however, this has not been true, and better election officials have been selected.¹

The state election boards found in a

¹ The most striking example of this is found in Omaha, where the first election commissioner of the county, appointed by a Democrat, was reappointed by Republican governors, and the second election commissioner, appointed by a Republican, has been continued in office by succeeding Democratic and Republican governors. The custom is pretty well established of keeping the office out of politics.

few Southern states are merely appointing bodies, and make appointments upon the recommendations of local party leaders. These state boards do not maintain offices or otherwise exercise any appreciable amount of supervision over election administration.

The county, city, or town is everywhere made the local unit for the administration of elections and registrations. For the most part the routine work is usually performed by precinct officers sitting in regular sessions in the precincts, but the supervision and control, to the extent that it exists, is exercised by county or city officers. In New England states and also in a few other states in the North,¹ city or town officers are given exclusive control of registration, but in the South and in most Northern states the administration is placed in the hands of county officers. In a few states the largest cities have control of registration and elections within their borders, while the counties have jurisdiction elsewhere in the state.² Where the county and the city are both given jurisdiction in the matter, the two offices frequently exist side by side, and frequently in the same building.³

As a general rule, the administration of elections and registrations are both handled by one office, though in a few states registration is separated from election administration, with consequent duplication of office records, equipment and force.⁴ In some states the conduct of registration and elec-

tions is divided between a number of city or county officers.⁵

One or more of the regularly constituted city or county officers are usually placed in charge of registration, but many of the larger cities and more populous counties have a special board. The county or city clerk is usually given the handling of the routine matters and instruction of precinct officers in places where a special board does not exist. In a few places the county or city clerk is given practically exclusive control of elections, but the general rule is for him to share the power with the county board or the city council. These latter bodies usually are given the power of appointing the precinct officers. In a few states the county auditor or some other officer is placed in charge of the routine of elections.

Where a special election office is created, the customary organization is a board with bipartisan representation. The status of these special election boards or offices in a number of phases is indicated in the following table: See next page.

The permanent office force varies greatly from place to place in such items as number, salary, term, qualifications, etc. In general, however, it may be said that it is almost always bipartisan, with actual selection made by the two party organizations. The outstanding exceptions to this rule are found in Boston, Detroit, San Francisco, and Omaha. In Boston and San Francisco the office employees are under the civil service system of the city. The general clerical qualifica-

¹ Iowa, Kansas, Minnesota, Missouri, Pennsylvania, and Wisconsin.

² Delaware, Illinois, Indiana, Louisiana, Maryland, New York, Virginia, Washington.

³ This is found in Chicago, Seattle, Kansas City, and other places.

⁴ This is true of a number of Southern states and Pennsylvania.

⁵ An example of the division of the administration of elections is found in Hudson and Essex counties, New Jersey, where the county election board, the county clerk, a superintendent of elections, municipal clerks, the police departments of the cities, and now the newly created officer of registrar of voters, all have a hand in election matters.

ELECTION BOARDS AND COMMISSIONS OF CITIES¹

City	No. of members	By whom appointed	Term (years)	Annual salary	Appointed upon official party recommendations	Subject to budgetary control
Boston	4	Mayor	4	\$6,000 5,000	No	Yes
New York City	4	Aldermen	2	8,000	Yes	Yes
Philadelphia	5	Governor	4	4,000	No	Yes
Baltimore	4	Governor	2	2,500	Yes	Yes
Pittsburgh	4	Governor	4	3,000	No	Yes
Cleveland	4	{ Secretary of State	4	4,487 ²	Yes	No
Cincinnati	4		4	3,396	Yes	No
Chicago	3	County judge	4	4,000	No	No
St. Louis	4	Governor	4	3,000	No	No
Detroit	3	See note ³	2	5,000 2,000	No	Yes
Milwaukee	3	Mayor	3	1,260	Yes	Yes
San Francisco	5	Mayor	4	1,000	No	No
Rochester	1	See note ⁴	4	4,500	No	Yes
Omaha	1	Governor	2	4,500	No	Yes
Denver	3	See note ⁵	4	1,000	No	Yes

¹ The jurisdiction of the election board of Cincinnati, Cleveland, Rochester, and Omaha includes the county in which these cities are located.

² The compensation of the election boards of the counties of Ohio is fixed by state law upon the basis of the number of precincts within their jurisdiction for each election conducted, and consequently varies from year to year. The figures given in the table are an average for a four year period on the basis of the present number of precincts.

³ The city clerk, the president of the common council, and the judge of the recorder's court constitute the election board of Detroit. All three are popularly elected.

⁴ The election commissioner of Rochester is appointed by a board consisting of the county judge, the special county judge, and the surrogate.

⁵ The election board of Denver consists of two popularly elected members and the city clerk, who is appointed by the mayor.

tion of the employees of most election offices is very low, for selections are made upon the basis of party considerations.

The number of permanent employees varies greatly from one city to another, even when due consideration is given to the size of the cities. In Milwaukee only two permanent employees are used, while Baltimore employs 14 and Boston 44. Of course, the amount of work to be done depends upon the system, the use of temporary employees, and the amount of work

shifted upon the precinct officers. Nevertheless, it is unquestionably true that most election offices at present carry more permanent employees than the work requires.

The policy of election offices in regard to the use of extra employees during the rush period varies: some offices rely upon temporary employees to do the bulk of the routine work, using the regular force for instruction and supervision; other offices rely upon extra help much less, while Baltimore and a few other places employ either no extra

help at all or only a negligible amount. The extra employees are almost always recruited through the party organizations, and the customary wage is \$5 per day, though in Providence only \$3 per day is paid, while Detroit, St. Louis, and Kansas City pay \$6 per day. The qualifications of the extra employees is well indicated in the following statement of a chief clerk of the election office in a large city:

employed to do the same work which is done in other places by a single officer, but such is the case.¹ The most striking example of the variation of the number of precinct officers is found in Missouri, where in St. Joseph, a city of 77,000 population, only one precinct officer is used, while St. Louis uses six. The following table shows the practice in this regard in a few large cities:

PRECINCT OFFICERS

City	No. of officers to the precinct	Salary (per day)
New York City	4	\$4.00 (evening) 10.00 (day)
Philadelphia	4	10.00
Baltimore	4	8.00
Rochester	4	7.50
Cleveland	2	4.00
Chicago	5	7.00 and 5.00
St. Louis	6	6.00
Detroit	2-3	10.00
Denver	3	3.00
Salt Lake City	1	3.00

We get lots of people as extra clerks who have little education, but there is always quite a bit of labor to be done in handling the books, getting the booths ready, and the like, and we put them to doing these things, and are able to use almost all of them in one way or another.

In most registration systems the bulk of the work falls upon the precinct officers, though there are some systems which do not conduct registration by precincts, and consequently do not require precinct officers. The proposed model registration system does not provide for precinct registration, and accordingly only a brief treatment of the present precinct officers will be included.

The number of officers used in the precinct varies from one to six. It is incredible that six persons should be

Precinct registration is expensive, especially where a number of officers are used. The city of Baltimore may be taken to illustrate the cost in cities having four or more precinct officers. The cost is higher in some cities than it is in Baltimore. The cost of a new registration amounts to an average of \$190.00 per precinct, consisting of four officers at \$8.00 per day for five days each, and an average rental cost of \$6.00 per day. The average number of voters to the precinct in Baltimore in 1922 was 319, making the cost of

¹ The states using only a single precinct registrar are, it is true, largely rural, and consist of the following (in all or part of the state): Florida, Idaho, Michigan, Missouri, Montana, North Carolina, Oklahoma, Oregon, Utah, Virginia, West Virginia, and Washington.

original registration per registered voter 59.5 cents. It is interesting to note that in California the customary fee rate to field registration officers is 8 cents per registration. The precinct cost for intermediate registrations at which a new general registration is not required runs much higher per voter handled. The data on the cost per voter for intermediate registrations are not available for Baltimore, but in Chicago it averaged \$4.27 per voter for the intermediate elections between 1916 and 1923. The precinct cost for some intermediate registrations in Chicago during this period ran over \$10.00 per voter. Detroit had the same experience and did away with precinct registration except when a new general registration is held. Precinct registration is necessarily expensive, though the cost is lower than the above in many places where fewer officers, fewer numbers of days, and lower salaries are paid.

The precinct officers of registration are almost always appointed upon the recommendations of the party organizations. Detroit, Omaha, and St. Louis are notable exceptions to this rule, where the election officers have made appointments irrespective of the party machines, and have secured a much higher type of official.

The party organizations use the precinct positions to reward the faithful and to control as many votes as possible. The precinct election positions constitute an appreciable item of patronage—over 10,000 positions in Chicago and 30,000 in New York City. Election and registration frauds are perpetrated or made possible by the corrupt precinct officials named by the party machines of the large cities for the precincts in the worst sections.

6. REGISTRATION RECORDS

The most important registration record is the precinct register of

voters. The typical register consists of a bound volume, ruled into columns to record the various items, with the registration of each voter recorded upon a single line across two pages.

The number of registers to the precinct varies from one to four. Two is the usual number. The information required for registration varies from state to state, and is too complicated to be presented here. In a number of the largest cities the register contains thirty or more columns to record this information, which includes not merely the name, address, age, naturalization record, length of residence in the precinct, but also various items of personal description, such as height and color of eyes, also occupation, name of employer, conjugal state, exact location of residence, and many other items. The records are clumsy and contain much data which is of no possible use in connection with registration. In many states the signature is not required, though it is unquestionably the best means of identifying the voter at the polls. A number of states have recently repealed the requirement that the voter state his exact age, because of the objection raised against this by voters of both sexes.

In a few states the registration records consist of individual cards or loose-leaf forms, which are placed in locked binders and sent to the polls. Individual registration records are now in use in Milwaukee, Minneapolis, St. Paul, Omaha, and the states of California, Oregon, Montana, and Nevada.

In many large cities lists of voters are printed before each election. These lists are usually arranged in order by streets and numbers for each precinct, and are called printed street lists, though in some cities they are arranged alphabetically by precincts. The cost of printing these lists is considerable, ranging from 5 to 15 cents per name.

Detroit and Baltimore have discontinued the use of these lists as a measure of economy, and election officials in some other cities believe that they are not worth the cost. They are used principally by party workers, but are made available, usually free, for other persons as well. In Omaha and a few other places the burden of preparing such a list is placed upon the party organizations, who are required to pay for the clerical work incident to copying the lists of voters on the typewriter.

The other records of the election offices in connection with registration are meagre. Nowhere are adequate personnel records kept of precinct officers, and most offices make no attempt to maintain a personnel record of the permanent or temporary office employees. The minutes of the election board are frequently the only record kept of the official transactions of the office, and these are usually extremely meagre. In a large eastern city extensive investigations of registration frauds were made recently and a system of records had to be devised on the spur of the moment. There is scarcely a single office in the entire country which maintains a systematic account of complaints, fraud cases, irregularities, and the like.

7. APPLICATION FOR REGISTRATION

The elector is usually required to appear in person before the registration officer or board, though there are many exceptions to this rule, especially in rural sections. Usually the application for registration must be made before the board or officer at a regular session for registration in the precinct, but in a few states the rural registration officer is permitted to receive applications at any time.¹ In many states personal

¹ This is true in Oregon, Montana, Nevada, North Carolina, and the house to house registration in California operates without formal sessions.

application is not required in rural communities, and the precinct board of registration is authorized to prepare a list of voters whom they know to be qualified.² Where this system is in use the registry lists are clogged with the names of voters who no longer live in the precinct.³ Registration systems which do not require personal application always result in inflated lists, and are of doubtful value. Where they are used in cities, it is not uncommon for the precinct politicians to hand in long lists of names to be placed upon the registers—a very questionable practice.

A written application, made before a notary or other person authorized to administer oaths, is the usual provision for absentee registration. In a few states provision is made for a written application as a substitute for personal application for any elector. In New Jersey any elector may, by asserting absence or illness (which is not seriously regarded in actual practice) make a written application for registration for seven days after the close of registration. It is said that this provision has been utilized by the party machines to pad the registration lists. In Indiana, a written application instead of a personal application may be made to the county auditor or city clerk, and the party machines have their workers made notaries in order to round up registration applications. This, in

² This is found in all or a part of the following states: Colorado, Illinois, Minnesota, New Jersey, New Hampshire, New Mexico, New York, North Dakota, Pennsylvania, South Dakota, Vermont, West Virginia, Wisconsin.

³ In Monroe County, New York, for example, outside of the city of Rochester in 1924 the registration exceeded the number of citizens over twenty-one years of age, according to the 1920 census, by 25 per cent. The population of the county outside the city of Rochester declined 8,779 between 1910 and 1920, and it may be assumed that there was no increase in population from 1920 to 1924.

effect, makes the precinct politician a registration officer, and he takes registrations in private, rather than at public sessions.

In Detroit the elector who applies in person at the main election office for registration is required to fill in an application form, but this is done to expedite the clerical work, and does not take the place of a personal application.

8. TIME AND PLACE OF REGISTRATION

There are two extremes in the matter of the time of registration: in some places the elector may register any time during the year by applying at the registration office of the city or county, while under most systems there are only a few days for registration, which are set forth in the election law of the state. If registration is conducted at the central office, there is no reason why it cannot be open throughout the year (except during the closed period prior to the election), but if it is conducted in the precincts, necessarily the cost of the precinct officers confines the period to a few days before each election. Seattle and Detroit combine precinct registration upon a few days, and central registration throughout the year. Obviously, central, year-round registration involves an inconvenience to the voter in requiring him to come to the central office, but affords a wide latitude of time at which he may register, while precinct registration on a few specified days affords the opposite by bringing the registration near to the voter for a few specific days only. In California and part of Massachusetts and Rhode Island, central registration plus branch registration at different parts of the city is used, combining the merits of both systems, but avoiding the high cost of precinct registration.

In California registration is taken to the voter in most cities of the state by means of a house-to-house canvass at the start of a new general registration every two years. If the voter is not reached by the field officers, he may register in the wind up campaign at the central office, or at any one of the branch offices throughout the city. In most cities registration deputies are sent to public meetings, factories, clubs, and other places upon request, during the final period of registration. Many of the voters of Alameda county are registered on the ferry while going or returning from San Francisco.

The time at which registration is closed for a particular election varies considerably. In some of the Southern states it is several months before the election, while in a few states registration is conducted up to within two or three days prior to the election. Where there is a residence requirement of ten or fifteen days or some other amount of time in the precinct, it is necessary to have a registration day within that length of time before the election. Registration is usually closed two or three weeks prior to the election in order that there may be time to get out the printed lists, to investigate registration and purge the books if fraud is discovered, and to permit the election office to get ready for the election.

9. THE INVESTIGATION AND PURGING OF REGISTRATION

The most critical phase of registration is the means taken to purge the registers of dead weight, but as a general rule this is the weakest part of existing systems. Many systems make no provision whatsoever for purging the lists, except a periodic new registration. In Virginia where registration is permanent and no means are taken to keep the lists purged, the present lists con-

tain as high as three times the number of qualified voters.¹

In rural sections the local election officers are relied upon to correct the register from their own knowledge, but in practice they are usually negligent about striking off the names of persons known to have died or moved away. But in most rural sections the presence of dead weight upon the register is not regarded as dangerous. In some of the largest cities provision is made for a house-to-house canvass by the police or by precinct election officers to check up on the residence of registered voters. Provision is usually made also whereby any citizen may challenge the registration of any person, and have the matter passed upon before the election.

The official house-to-house canvass by election officers or the police is necessary in the largest cities, but in practice the work is frequently very carelessly done, or neglected altogether. The real problem lies in securing responsible persons who will actually make the canvass, though, of course, it is desirable to have the canvass conducted by persons who would be able to detect signs of fraudulent registration. This work is done very satisfactorily by the police in Boston and Milwaukee, but the police canvass in New York City and other cities of the state, Baltimore, Detroit, and a few other places is not regarded as entirely successful. In Boston the police department makes an annual census of all adult residents, which is used for other purposes as well as registration, and this census is checked against the registration of the preceding year, not only to purge the names of persons who have moved or died, but also to transfer the registration

of persons who have moved within the city.

In a number of places the death reports secured from the officer in charge of vital statistics are used to purge the registers—a practice which is altogether satisfactory. In a few states registration is cancelled of all electors who fail to vote within a one or two year period, or at the general biennial fall elections.² If every voter is identified at the polls and the registers purged of those who fail to vote every year or every two years, these two measures alone will keep the registers reasonably free from dead weight.

10. USE OF THE REGISTER AT THE POLLS

The only use made of the register of voters at the polls, aside from checking it to ascertain whether the applicant to vote is duly registered, is to identify the applicant as the same person who is registered. This is very important, for with positive identification voting frauds are out of the question.

In a number of states the register contains a personal description of the voter, including height, color of eyes and hair, weight, sex, and exact age, but in practice these items are of little value. A few states use the signature to identify the voter, requiring the signature when the registration is made and also when the election is held. The signature is required for registration in thirteen states, but only in a few places, including cities in New York State, Omaha, and California is the signature required of the voter at the polls. In a number of states the signature contained in the registration record is not sent to the polls.³

¹ In Norfolk, for example, the clerk of the corporation court estimated that there were 30,000 names on the books, of which number it was estimated 11,000 were dead or had moved away.

² Cancellation for failure to vote is found in: Iowa, Indiana, Colorado, Kansas, Minnesota, Oregon and Utah.

³ Massachusetts and Oregon.

11. REGISTRATION AND VOTING FRAUDS

Accurate information upon the extent and kinds of registration and voting frauds which exist throughout the country is not available. Necessarily these frauds are carried on under cover, and it is difficult to make even a rough estimate for any particular city. Here and there investigations have been conducted for selected precincts in some large cities, yielding almost always abundant evidence of voting frauds, but elsewhere it is generally assumed that nothing of the kind is carried on. In Philadelphia, for example, a few years ago it was commonly assumed that the elections were free from impersonation, repeating, and other forms of voting frauds, but a recent investigation conducted by the registration commission against the wishes of the city council revealed a startling amount of fraud. The following summary of the findings in a special investigation recently conducted by Judge Edmund K. Jarecki of Chicago reveals a condition which exists in other wards in Chicago, as well as in other cities of the country where at present it is unsuspected:

In the investigation of ten precincts of the 20th ward it was found that 211 persons were willing to sign affidavits that they had not voted; 37 admitted not voting, but would not sign; 112 were listed as voting more than once; the names of 20 dead persons were affixed to ballots; 918 voters had moved, more than 80 per cent of them before primary election day, and 1,611 voters were unknown at the addresses from which they were registered. There were 22 voters of whom information was not available; 100 registered from non-existent numbers; 42 registered from torn down houses; 22 from vacant lots; 21 from school houses; and 18 from outside the precinct. Votes were also cast in the names of five children who did not vote, the McQueeney investigation shows.¹

While it is probably true that gross election frauds are more uncommon

than a quarter of a century ago and more, and that elections have become more respectable, still it is a mistake to suppose that voting frauds have disappeared. Under lax or ineffective registration systems voting frauds are still fairly common, and the letting up of the precautions against them would result in a return to wide-scale fraud.

12. THE COST OF REGISTRATION

It is not an easy matter to estimate accurately the cost of registration in any city, owing to the fact that registration and elections are handled by the same office force, and a separate accounting of the cost of registration is not usually made. The following table, however, is the result of a careful examination of the accounts of the election offices of the cities covered, and presents an estimate of the cost which has been arrived at on a uniform basis for all these cities. There are certain items, however, such as office rent, interest, depreciation charges on equipment, and others which have not been included in this estimate. In the main, the overhead cost of election administration, including registrations, has been charged equally to registration and elections, except in a few cities where the proportion of work was exceptional.

ANNUAL AVERAGE COST OF REGISTRATION
PER REGISTERED VOTER IN SELECTED CITIES

City	Cost
Boston ²	\$ 81.2 cents
New York City.....	71.8
Philadelphia ³	1.33
Baltimore.....	51.5
Cleveland.....	76.7
Cincinnati.....	49.2
St. Louis.....	55.6
Kansas City.....	84.2

² Includes the cost of the police listing.

³ Includes the cost of the making of the assessors' lists.

¹ *Chicago Daily News*, Sept. 29, 1926.

Detroit.....	20.5
Milwaukee.....	12.5
Omaha.....	26.0
Denver.....	19.7
San Francisco.....	40.5
Portland, Ore. ¹	12.6

The cost of registration for rural communities is usually much less, but there is so much variation within the same state that it is futile to attempt to present a table showing the average cost for rural registration in various states. The salaries paid to the rural registration officers is less, the number of days of registration sessions less, and the overhead cost in most places cannot be estimated, since the work is done by the county clerk.

The above table indicates a very high average cost, but of more significance is the extremely wide variation between different cities. The fact that registration is conducted in Milwaukee for only 12.5 cents, in Portland, Oregon, for only 12.6 cents, in Omaha for only 26 cents and in Detroit for only 20.5 cents is striking evidence that it is costing too much in Philadelphia at \$1.33, in Boston at 81.2 cents, and in Kansas City at 84.2 cents. Milwaukee, Portland, Omaha, and Detroit have

registration systems which are superior to those found in the second group of cities, and the low cost cannot be ascribed to poor systems.

An analysis of the cost of registration throughout the country leads to the following findings:

1. Precinct sessions are the most expensive item in registration, usually amounting to fifty percent or more of the total cost. The salary cost of the precinct board plus the rental charge is unduly high for the work done, especially for intermediate elections at which a new general registration is not being conducted.

2. Permanent registration is much less expensive than periodic registration. The more frequently a new registration is conducted the more expensive is the system.

3. The cost of the clerical hire for the election office incident to registration varies greatly, largely because of the political situation rather than the amount of work to be done.

4. The printing of lists of voters constitutes a substantial item in the cost of registration, especially where a new list is printed prior to each election.

PART III

SPECIFICATIONS FOR A MODEL REGISTRATION SYSTEM

THE subject matter contained in the following specifications has been divided into the following principal divisions:

- A. Application of Registration Laws
- B. Character
- C. Frequency of New Registrations
- D. Officers
- E. Records
- F. Procedure
- G. Correction and Investigation

¹ This estimate is for even numbered years only, there being no election ordinarily held in odd numbered years.

H. Transfers

I. Identification of the Voter at the Polls

J. Miscellaneous Provisions

In the main, the recommendations are contained in the specifications, which are explained and defended in the comment, but in a number of instances it has not been possible to follow this arrangement. Some of the comments contain alternative proposals, qualifications and exceptions to the general rule, and suggestions in

regard to the administration of registration.

A. APPLICATION OF REGISTRATION LAWS

Specification 1.—Registration to be required throughout the state.

Comment:

It is generally supposed that registration is not necessary in rural communities where practically every voter is personally known throughout the precinct, but it has been found, however, as a result of the absence of any registration system, or a loose system, that some of the worst cases of voting frauds appear occasionally in rural sections. The danger is not sufficient to justify an expensive and inconvenient system of registration, but it is worth while to provide for registration, if an economical and convenient system can be secured, which will at the same time afford a safeguard against the possibility of voting frauds. The states of Oregon, Montana and Nevada have developed a system of registration which is inexpensive, effective in preventing fraud in rural sections, and involves only a minimum of trouble to the voter. The system herein specified, with the variations suggested for rural communities, follows, in the main, the system used in these states.

Specification 2.—One system of registration to apply to all elections.

Comment:

In a few states registration is not required for primaries, or other so-called minor elections, though it is required at the general election. This is a serious mistake, for the bulk of voting frauds are committed in the primaries, and municipal elections require the same safeguards as county and state elections. The same is true of special elections, which are sometimes the scene of bitter struggles.

Other states make the mistake of setting up two different systems of registration, usually one applying to municipal elections and the other to county and state elections. This practice involves duplicate offices and duplicate records, and sometimes doubles the cost. It also makes it necessary for the voter to register under both systems and doubles the inconvenience. There is no reason why one system of registration may not be applied alike to all elections, for the qualifications for voting, with rare exceptions, are the same for all.

B. CHARACTER OF THE REQUIREMENT OF REGISTRATION

Specification 1.—Registration to be compulsory for all elections, with no provision for swearing in voters at the polls or for special appeals after the close of registration.

Comment:

The value of registration is largely lost if some provision is made whereby the unregistered voter may swear in his vote at the polls, when there is no time or opportunity to investigate the case. Provisions of this kind frequently break down in critical elections, especially in the machine-controlled precincts where there is danger of fraud. Eleventh-hour special appeals for registration, when it is too late for investigations to be made, also work badly. These provisions may be necessary or can be defended under registration systems which provide only a few days for registration, for *bona fide* voters may be away during those particular days, but under a system of permanent registration conducted throughout the year, where the voter is normally required to register only once, little defense can be made. It is absurd to attempt to take care of the negligent voter who fails to register when he has

the whole year to do it in, and has to register only once in a lifetime, unless he moves or otherwise forfeits his registration.

In a few states the problem has been made difficult by judicial decisions holding compulsory prior registration unconstitutional. Where it is not feasible to secure a constitutional amendment, the next best alternative is to provide very strict requirements for the swearing in of voters at the polls. In Wisconsin the witness must be a freeholder and no freeholder may witness for more than five electors.

C. FREQUENCY OF NEW REGISTRATIONS

Specification 1.—Registration to be permanent, which means that the registration of any voter is continued so long as he resides at the registered address, with provision also whereby any voter who moves within the city or county may transfer his registration to the new address.

Comment:

Permanent registration is the central idea of practically all movements for improvement at the present time. It affords the voter a minimum of trouble in connection with registration; it greatly reduces the cost; and in practical operation it has been found that permanent registration can be made as effective in preventing voting frauds as any other type, even in such large cities as Boston, Milwaukee, Minneapolis and St. Paul. Exception is made, however, of the cities with a million population or more which now have successful registration systems, where it would probably be wise to wait until permanent registration has been tried out elsewhere to a larger extent.¹

¹ Mr. George C. Sikes of the Committee dissents from this exception on the ground that permanent registration is entirely feasible for the largest cities.

The leading objection raised against permanent registration is that it would lead to the perpetuation of dead weight upon the registers and voting frauds. The large cities which now have permanent registration have devised adequate safeguards against this danger, and it is significant that fraudulent voting is almost unknown in these cities, while a number of cities with annual, biennial or quadrennial registration are still cursed with voting frauds.

In permanent registration a large part of the total expense is spent in investigation, correction, and purging of the registration lists, while in periodic registration only a nominal amount is spent for these purposes, the bulk going to pay the salary of the army of precinct officers, who are usually recruited by the party machines. In permanent registration the money is used to prevent fraud, but in periodic registration it is usually used to build up the strength of the machine.

The strongest argument in favor of permanent registration is its success in a number of large cities, as well as in rural sections. "Practical politicians" may scoff at the idea and say that it would never do, but this is not convincing in the face of successful operation. Permanent registration is entirely feasible and practicable but it is necessary to have a sound system. It is not enough merely to graft permanence upon existing types of registration systems. The whole system—the records, organization, procedure, and methods of purging the list of dead weight—must be adapted to permanent registration. All sorts of difficulties are encountered where permanent registration is provided without amending the system. A number of states have recently seized upon the idea of permanent registration without otherwise altering obsolete registration systems.

D. REGISTRATION OFFICERS

The organization for the administration of registration is one of the most difficult problems encountered in setting up the specifications for a model system. As a practical matter it is difficult to alter the existing organization. The same officers are used to administer elections and registrations in most states, and these officers are generally suspicious of any proposed change. Since the same organization is used for elections as well as registration, it should not be modified to suit registration purposes without a consideration of the effect upon election administration. Another difficulty encountered is the variation from state to state in the history, traditions, political relations, and other matters touching upon the problem of organization. It is advisable for the problem to be considered in the light of the political experience and organization of the state, and considerable variation is necessary.

A very practical consideration in proposing modifications of the existing election machinery along with a new registration system is the danger that the two issues will be confused, and the improvement of the registration system be defeated. The cause of registration improvement should not be sacrificed in an attempt to modify the organization.

The following specifications are, therefore, subject to modifications to meet the needs of the individual city or state.

Specification 1.—The administration of registration to be centralized in a single office.

Comment:

In a number of states at the present time the administration of elections and registration is divided between a number of different offices of the county

or city, or both. This division of responsibility leads to "passing the buck," jealousy, and increased cost. The better practice is to place the entire matter in the hands of a single office, which can be held responsible for honest and efficient administration. Unless there are special reasons to the contrary, the administration of elections and registrations should be conducted by the same office.

Specification 2.—A special office to have charge of elections and registrations in cities or counties of over 300,000 population.

Comment:

The amount of work incident to registration and elections in less populous cities and counties does not justify the expense of creating a special office to do the work. The work of elections and registrations is seasonal in character, and except for the larger cities and most populous counties, may be performed better under the direction of the city or county clerk. This permits much of the work to be done by the regular force of the office, without the necessity for maintenance of a special force of clerical employees for election purposes. Objection may be raised that the city or county clerk is not always qualified to have charge of his work, but the obvious answer is that in the smaller places the city or county cannot afford to hire a more competent person to handle election and registration alone.

Another objection which is sometimes raised against vesting the administration of elections and registrations in the hands of the city clerk or county clerk is that these officers are themselves elected by the people, and thus have charge of their own election. This is a theoretical objection which makes little if any difference in actual practice. Definite responsibility is a better safe-

guard to honesty in elections than divided responsibility in a bipartisan board, which is usually machine controlled. If a single commissioner can be provided instead of a board, it is probably wise to create a special office for cities and counties of less population, say over 150,000.

Specification 3.—The following optional specifications for the organization of the special election office in counties and cities of more than 300,000 population are suggested:

1. A single election commissioner, appointed either by the governor or the mayor, for a term of four years, and at a full time salary, or,
2. An election commission of three, four or five members, appointed by the governor or mayor, for a term of four years, with the requirement of bipartisan representation, and paid only a nominal salary.¹

Comment:

The practice of having a single commissioner of elections has worked out very successfully where it has been tried, namely, Rochester and Omaha. Since the work of elections and registration is almost purely administrative there would seem to be little need for a board, except as a means to secure bipartisan representation. In some jurisdictions where the party organizations are evenly divided, bipartisan representation upon an election board

may be essential, but in other places where one party dominates, bipartisan representation is apt to be more nominal than real. A single election commissioner produces a more vigorous and efficient administration, provides direct responsibility, and usually regards the rights of all political parties and factions more scrupulously than a bipartisan board, which may be controlled by the dominant party.

The principle of bipartisanship has broken down everywhere. It would seem that in election matters there is especial need for non-partisan administration, but the logical outcome of bipartisanship is that the bitterest partisans, frequently workers of the party machines, are called upon to conduct the registrations and elections. This one factor probably has much to do with the existence of frauds in elections.

If it is deemed necessary to have a board, the best organization is to provide for a board which will direct the general policies of the election office only, and leave the routine handling of administrative matters to a chief clerk. The members should be paid only a small salary to prevent the positions from being political plums, and should be required to devote only a small amount of time to their official duties. Probably the worst organization for an election office is to have four or five highly paid, full time election commissioners. This organization leads to inefficiency, wranglings in the office, and the desirable type of citizen cannot be secured to serve on the board.

With the board organization it is highly desirable to create a responsible position of chief clerk, in whose hands the administration of the office is placed, subject to control by the board.

Specification 4.—The office force to be selected without regard to party affiliation or nominations by party organizations, and placed under the

¹Mr. George C. Sikes requests to be recorded in opposition to appointment of local election boards by the governor. Mr. H. A. Nichols dissents, believing that appointment should be made by a board of judicial officers as a means of removing the office from political control. Mr. Oakley E. Distin believes that the most desirable arrangement for large cities is found in Detroit, where the city clerk, president of the common council, and the judge of the recorder's court constitute the election board.

civil service system of the city or county, if such exists.

Comment:

The greatest drawback to the efficient administration of election offices is that they are usually made the dumping ground of incompetent political "heelers" who cannot be placed elsewhere. In many cities and counties the election board has little if any control over their own employees, who are selected, promoted or fired by the party machines. Such a condition is destructive of morale and loyalty, and frequently makes the election office the most inefficient of all public offices. Persons of no clerical ability and of questionable integrity are placed on the office force by the party machines. The pace of the office necessarily becomes the snail's pace.

The first step to do away with this condition is to repeal any provision in the state election law requiring the office employees to be divided between the two major political parties. This alone, however, will not go far enough. Provisions for appointment upon the recommendation of party organizations should likewise be abolished, though this practice is frequently due to custom instead of law, and customs cannot be remedies by statutory revisions alone. The most practical step in the matter is to place the office employees under a civil service system, if such exists, and the statute on this point should place them specifically in the competitive class. Where there is no civil service system in existence within the jurisdiction, the only alternative is to vest complete power over the matter with the election commission, and to hold it responsible.

The election office in most cities and counties makes considerable use of temporary employees and the problem of recruitment and training of these is difficult. Where they are selected by

the party machines they are uniformly of poor quality, but in some cities where the commissioner or the board selects the extra employees without reference to party affiliation and without attention to recommendations of party politicians, it is found that persons of competent clerical ability can be secured. The problem again is to divorce the office employees from politics, a problem which is difficult to settle by statutory enactments. The fundamental step is to divorce the election board or chief election officer from domination by party machines, and the problem of office employees, particularly the temporary employees, will take care of itself.

Specification 5.—No use to be made of precinct election officers in the conduct of registration.

Comment:

Precinct sessions for registration are not needed where the registration is permanent, for the number of persons in each precinct who register prior to any election is small, and they may be handled by the central office, plus branch offices in large cities, at a much less expense and with little if any more inconvenience to the voter.

The discontinuation of the use of precinct officers to conduct registration eliminates the principal personnel problem, as far as registration is concerned. No change in the present organization of precinct election officers is proposed here, except that they are not to be used for registration. The clerical work would be handled by the regular and extra clerical employees of the main office. The number of such employees required to do the work would be only a fraction of the number of precinct officers, with the result that they could be selected personally by the board itself, and with greater care. Field or neighborhood registration con-

ducted outside of the central office would be by these employees, directly under the supervision of the central office.

The problem of precinct registration versus central registration is taken up elsewhere in connection with the specification upon the place for registration, but there is one consideration, however, which requires treatment here. It is argued that registration should be conducted by the precinct officers, for they are personally acquainted with their neighbors and are better qualified to pass upon their application for registration. It is said that the local precinct officers are more likely to detect any attempt to pad the registration list with fraudulent names. This argument has little validity. In larger cities the precinct election officers are personally acquainted with only a negligible number of the voters, and the application of a stranger for registration gives rise to no suspicion. In smaller cities, however, the precinct officers are usually personally acquainted with every voter of the precinct, but in many instances so is the city clerk. However wide or narrow the personal acquaintance of the precinct election officers, the value of this personal acquaintance is secured in the conduct of elections, and it is not necessary for the registration officer to be personally acquainted with the applicant. In every state a registered voter may be challenged at the polls. If the precinct officers know or suspect any person of not being qualified to vote, it is their duty to challenge him when he applies to vote.

The insistence upon a board to receive applications for registration, a board consisting of the neighbors of the voter, of representatives of both parties, and in formal session where the party workers may be on hand—all this places a mistaken emphasis upon the routine work of registration. The receiving of

the application for registration and the recording of it in the registration records is a purely clerical matter. There is no necessity for formal neighborhood sessions with bipartisan representation. One competent clerk can do the work better than five incompetent party machine adherents. There is plenty of time after the act of registration is conducted to investigate the registrations and to detect any fraud. In this regard, the act of registration is wholly different from the conduct of elections, where after the ballot has been placed in the box it is impossible to rectify any error or fraud. There is no point to surrounding the procedure of registration with cumbersome, expensive, and incompetent machinery.

It should be borne in mind also that there are certain positive drawbacks to the use of precinct officers. They are subject to control by the precinct political workers, and in the worst precincts they may openly connive at fraud. In a number of cities it has been found that the most effective way to break up registration and election frauds is to bring in outsiders and place them on the precinct boards, so as to prevent the complete domination of the precinct board by the local politician. It is unquestionably true that the bulk of election frauds are conducted with the connivance or tacit consent of the precinct officers, and are made possible in part by the difficulty of exercising anything like a close surveillance over the thousands of precinct boards in a large city.

The best evidence in support of the specification of doing away with registration by precinct officers is the fact that many states, including large cities, have already discontinued registration in the precincts without the frauds which are asserted would result. Practically all of the states with permanent registration (with the exception of some rural states of the South) and the state

of California have done away with the use of precinct officers, and the result in these states show conclusively that precinct officers are not at all necessary in the conduct of registration.

Specification 6.—Field deputies to be appointed by the county registration officer for rural communities or for outlying cities and towns where the county is given exclusive jurisdiction over registration.

Comment:

It is obvious that some provision should be made to take care of the rural voter, who should not be required to make a trip to the county seat to be registered. If the county is given exclusive control of registration, the same is true for cities and towns other than the county seat. It is not necessary, however, to provide deputies for every precinct, or to provide more than a single deputy for each community or town. One solution of the problem of local registration officers in rural communities would be to authorize justices of the peace, notaries public, or similar officers to receive applications for registration, but this has been found to be unwise in actual operation. New notaries or justices of the peace are created by the party machine to round up the voters to be registered, and these officers are not subject to control by the county registration officer. The better practice is to vest the power of appointing local registration deputies with the county officer having charge of registration, giving him discretion in the number of deputies to be appointed. This practice is substantially that found in Oregon, Montana, Nevada, and parts of California, and has been found to operate very successfully for rural communities.

E. REGISTRATION RECORDS

Specification 1.—Individual registration records for each voter in the form of loose-leaf pages or cards.

Comment:

Individual records are absolutely essential for permanent registration. Bound volumes soon become clogged with the cancelled registrations, and cannot be used. Loose-leaf or card records are especially adapted to permanent registration. Canceled records may be removed from the files and transfers of registration for voters who change their residence may be made simply by correcting the old record and placing it in the file of the new precinct. Much clerical work is obviated by a system of individual records. Loose-leaf records, such as are used in Omaha, California, and parts of Canada are preferable to cards. Loose-leaf sheets permit the making of duplicate copies by use of a carbon sheet, and may be larger to permit recording the voting record of each voter. They also may be handled somewhat easier, and may be placed in locked binders to be sent to the polls on the day of election. The registration record may be filled in with the typewriter if loose-leaf sheets are used, which would be desirable with permanent records, though nowhere is this done at present.

The principal objection raised against the use of individual records, either in the forms of cards or loose-leaf sheets, is the danger of loss or tampering. This is not a valid objection in light of the actual experience of various states. The loose-leaf records or individual cards may be securely locked before being sent out of the election office, and the danger of tampering or loss is negligible. No difficulty of this kind has been encountered where records of this type are used.

Specification 2.—

- a. Registration records to be in duplicate.
- b. The original records to be filed by precincts, and to constitute the precinct registers.

- c. The duplicate records to be filed without regard to precincts in alphabetical order for the entire city or county.
- d. The precinct registers to be arranged in order by streets and numbers in cities (also alphabetically for each address where more than a single voter is registered), and in alphabetical order for rural precincts.

Comment:

An alphabetical file of all registered voters of the city or county, such as is found in the election office of California, makes it possible for the election office to find the record of any voter, regardless of the fact that his registered address may not be known. It makes it possible for the election office to render a number of different services which would not otherwise be possible, and facilitates the correction of errors in office work. In a number of election offices there is maintained a separate card index of all registered voters, arranged alphabetically. One set of the registration records filed alphabetically for the entire jurisdiction takes the place of such an index, and thereby reduces the office work.

The precinct registers are generally arranged alphabetically instead of by streets as here specified, though in Milwaukee they are arranged by streets. There are several material advantages secured by arranging the precinct register by streets and numbers. It permits the registration office to ascertain how many and what the names are of the voters registered at any address—a very useful thing in the detection of frauds. If the precinct registration records are arranged by streets the work of preparing the copy for printing street lists of registered voters, which are usually required in the larger cities, is simple, but if the

registration records are alphabetical, the clerical work required to prepare the printer's copy in street order is very great, and when it is prepared there is no means of checking it against the original registration record for errors and omissions without a tremendous amount of clerical work.

It may be objected that the precinct election officers would have some difficulty in looking up the registration records of voters if they are arranged by streets instead of alphabetically. That has not been the experience of Milwaukee. When the voter announces his name he may be required to state his address also, and the officer in charge of the register may find the record by the street and number as readily as at present. The conventional bound volumes with the registration records arranged alphabetically by the first letter of the surname are not truly alphabetical, and the election officers are frequently required to examine several pages of records before finding that of a particular voter.

It is possible to get along with a single registration record of each voter, instead of two, but it is not advisable to do so. On the other hand, it is possible to have three or four records instead of two. This also is inadvisable, for the extra expense of maintaining additional records is great and no corresponding value is derived from them.¹

Specification 3.—The original record of canceled registrations to be preserved in a permanent file.

Comment:

The registration and voting records of citizens is valuable, and should be permanently retained. It is unnecessary, however, to retain duplicate records. The method of filing is not

¹ Mr. H. A. Nichols believes that the records should be in triplicate in order to provide an extra record for any emergency.

Comment:

The items of this registration record form have been selected with the following considerations in view: first, to avoid cluttering up the registration record with useless information, which is at present a very common practice; second, to avoid items which are objectionable to an appreciable group of voters, such as specific age, weight, or other items of personal description; and third, to secure whatever information is necessary to pass upon the qualifications of the applicant, to identify him at the polls, and to facilitate an investigation of his qualifications. It has been modeled largely after the California record, with modifications to make it adapted to permanent registration.

It is important that the middle name be secured as well as the first and last name, especially in large cities. The address of the voter should be secured in detail, so that investigators will not have difficulty in locating the place. In a permanent registration record it is necessary to provide space for new addresses to take care of transfers of registration within the city. The sample form leaves space for this purpose, but in case this space is used up, a paster can be placed on the record over the old addresses to permit the addition of new addresses.

In most registration records there are spaces to record the length of residence in the state, city or county and precinct. The sample form substitutes for this the date of start of residence at the present address. This is more definite and may be more easily investigated. The voter should be permitted to answer this question by merely stating "for life," where such is true, in order to avoid requiring him to state his age indirectly. In permanent registration the length of residence on the date of registration soon loses

significance. The affidavit on the sample form contains a statement by the voter that he has resided in the various units at least the minimum required time, which serves the same purpose.

It is usually thought advisable to record on the registration record the sex of the elector, though this might well be indicated by placing a "Mr., Mrs., Miss" before the name, with two to be stricken out. The occupation has nothing to do with qualification for voting, but it is worth while for a number of reasons. It is of assistance in checking up the qualifications of the voter, and in some cities it is used by the election office in picking prospective precinct election officers, or drawing a jury panel.

The requirement of the place of birth is to determine whether the applicant is native born. If not native born, then he is required to give the usual naturalization data of place and date of naturalization. This should be taken directly from the naturalization record, which should be required of the naturalized citizen. In the "Remarks" space may be recorded additional data in regard to naturalization, if necessary, or it may be used to record items of personal identification of the elector who is unable to sign his name. The height in feet and inches, color of eyes, and date of birth should be recorded to identify the voter who is unable to sign his name. The first two items are the best which may be selected for personal description, and the date of birth is one which can be answered only by the elector himself, and consequently would serve to identify him at the polls.

The affidavit of registration is designed to place emphasis upon the fact that the elector is taking oath as to his qualifications, and also to relieve the record of the items of exact age, which is objectionable to many voters, and

length of residence, which soon becomes meaningless in permanent registration.

The signature of the voter is the most valuable part of the record. It is absurd that many registration records, even of large cities, do not include the signature. It provides a positive means to identify the voter at the poll and constitutes a permanent record of the act of registration. It is a substantial safeguard against fraudulent registration, for the requirement of signing acts to deter many registration frauds. The usual objection to the use of the signature is that many electors are unable to sign their names. This objection is not based upon facts. There are few persons unable to sign their own name, even if unable to read and write. In Omaha, by actual count, less than three hundred out of a total registration of 75,000 were unable to sign, or less than one-half of one per cent of the voters.

The voting record of each elector, showing the elections at which he voted, is very important, and should be a part of any registration record. Many of the registration records in periodic systems provide this by means of columns for each regular election during the one, two, or four years for which the registration holds good, and usually several columns are provided to take care of special elections. The voting history of the individual is of most value, however, when it is maintained continuously over a long period of time. A continuous record of this kind is of great service in connection with cases of fraud, for it provides a voting history of the individual. It would make possible in the future intensive researches in the field of voting which at present are greatly handicapped because of lack of adequate records.

The registration record should be designed to contain the lifetime voting

history of the elector. Obviously it is not possible to list on the record all future elections, for special elections cannot be foreseen, and the system of general elections may be changed at any time. It is also obvious that the voting history must be recorded in a minimum amount of space, otherwise it cannot be contained on a registration record of reasonable size. The solution hit upon is to record the voting history of each elector by stamping or writing upon the spaces provided for the purpose merely the date of each election at which he votes. If it is desired, the poll number of each voter may also be recorded in states which provide for the consecutive numbering of voters. This requires little space. If the registration record is approximately 9 x 9 inches (the size used in California), it is possible to provide fifty or more spaces—sufficient to take care of the life voting history of practically every individual. If the spaces are exhausted for any voter, a paster may be placed over this part of the record to provide new spaces, but in such a way that the past voting history is not destroyed.

The voting record could be maintained by requiring the precinct election officers to stamp or write the date of the election upon the record of each voter when he casts his ballot, or this work could be done by the clerical force of the main office during the slack season. The former practice is preferable, for it is desirable to record on the registration record something to indicate that the elector has voted when he cast his ballot, in order to avoid the danger of any person voting twice under the same name. Stamps containing the date of the election should be provided for the purpose. The work of the precinct officers should be checked by the clerical force of the main office, however, to detect and correct any errors

or omissions. It is not necessary to record the voting record upon the duplicate registration record filed alphabetically for the city or county, though this could be done by the office force if thought desirable.

The sample registration form does not contain a space to record the party affiliation of the elector when he registers. This is a matter which should be left to the individual state, depending upon the primary law of the state. If the closed primary exists, however (which is the case in most states), the record should contain this item, but provision should be made whereby the elector may change his party affiliation.

Specification 5.—Printed precinct lists of voters to be provided in the largest cities under the following provisions:

- a. Arranged in order by streets and numbers.
- b. A few copies (not over ten) posted in each precinct.

Comment:

Printed lists of voters are unnecessary except in the largest cities, where it may be advisable to provide them as a safeguard against padded registration, even at a considerable cost. Most large cities now provide printed lists of voters for the use of party workers and others, and a few cities give these lists publicity by posting them for public scrutiny in the various precincts. In a number of cities it was felt that the cost of these lists was greater than the value secured, and Detroit and Baltimore have discontinued printing them. Milwaukee owns its own type, which is kept set up from one election to another, and corrected before new lists are printed. The cost is low under this system.

If printed lists of voters are to be made, they should be arranged by streets and numbers instead of alphabetically. They are used largely by

canvassers and political workers, and a street list is much better adapted for this work. Furthermore, as a means of giving publicity to the registration lists, the street lists are more effective, since any person may quickly ascertain the number and the names of all persons registered from any building within the precinct and readily discover any cases of padded registration. If the names are arranged alphabetically it is difficult for canvassers to use the list, and quite unlikely that padded registration will be detected.

Where precinct lists are printed, copies should be posted in each precinct as a means of giving publicity to the list of registered voters. If a few copies are pasted upon cardboards and posted in shop windows and other suitable places in each precinct, the possibility of padded registration being detected is greatly increased.

Specification 6.—Miscellaneous records.

The registration office should maintain adequate and systematic records covering the following subjects: (1) Personnel for all employees, permanent, temporary, and field; (2) fraud cases, including reports, investigations, hearings, trials and disposition; (3) official actions of the office, including complaints and petitions received; (4) detailed statistics of registration in voting; and (5) financial accounts.

Comment:

No attempt will be made here to specify the content and form of such records, which should be evolved in practical operation. Election and registration officers as a general rule have only the most primitive and antiquated system of records. Usually the records consist of nothing more than perfunctory minutes and a meager account of expenditures, without a single record covering personnel, frauds and irregularities, complaints, and sta-

tistics of registration and voting. Adequate records are essential to sound administration of registration.

F. THE PROCEDURE OF REGISTRATION

Specification 1.—Registration to be conducted throughout the year, except for a period of three weeks prior to each election.

Comment:

Year-round registration is entirely feasible and practicable with permanent registration which is conducted at a central office. It is impossible, to be sure, in systems which have precinct registration only, for precinct registration is necessarily restricted to a few days because of the cost. Registration throughout the year provides a great convenience to the elector. It is especially important that the registration office be open continuously for weeks prior to the date for the close of registration, which is a marked improvement over the practice of holding registration sessions on only a few specified days.

Registration should be closed about three weeks prior to the election. Of course, fixing the closing time at exactly three weeks is arbitrary, but that is about the least amount of time which may be allowed for the office to prepare and print lists of voters, investigate registrations, permit complaints and challenges to be raised against registration, and get the records of the office ready for the conduct of elections. In smaller cities and rural sections where no printed list of voters is made and no official canvass of registered voters is conducted, it is possible to shorten this period to two weeks, or even one week, but no appreciable advantage is secured thereby.

Specification 2.—Registration to be conducted at the main registration office of the city or county, and at

such other places as the registration officer or commission may decide.

Comment:

This specification raises the problem of precinct registration versus central registration, which has already been discussed in the comment upon the use of precinct officers in connection with registration.¹ It is not proposed that there shall be central registration only, but central registration plus outside registration at the discretion of the registration office. In cities of less than 100,000 population it is no hardship to require all new voters to apply for registration at the central office. This is especially true in a system of permanent registration, which requires the average voter to register only once in a lifetime. In the largest cities it is advisable to have outside registration during the closing period before any election. In various cities of California branch offices are opened in department stores, banks, and other buildings. It is wise to do this, and also to follow the Boston system of having evening sessions in various parts of the city for the convenience of the voter. The whole matter of the number of outside places for registration and the time at which they are to be open should be left to the discretion of the registration authority of the city or county.

In rural sections it is necessary to provide local registration deputies to save the new elector from the trouble of making a trip to the county seat to register. The same is true of cities and towns other than the county seat in states where the county is given exclusive control of registration. It is not necessary, however, for the registration deputy to hold formal sessions at specified times. The better practice

¹ See Specification 5, Sec. D, Registration Officers.

in rural sections is to permit the deputy to receive applications for registration at any time until the close of registration. In cities and towns usually the city or town clerk or some other official with an office can be secured to serve as local deputy.

The local deputies should not maintain registration records and have general charge of registration for local precincts, but should merely receive applications, fill in the registration form, administer the oath, and forward the record by mail to the county officer. This system is in operation in Oregon and parts of California and works very well. Local officers usually are negligent in maintaining the records, though they are fully qualified to receive applications for registration and fill in the registration forms.

Specification 3.—Registration to be made only upon the personal application of the elector.

Comment:

The applicant himself is the best evidence of his qualifications to vote. The data required for an adequate registration record include, among other things, the signature of the elector which cannot be secured *in absentia*. In actual practice, the worst cases of registration padding have occurred in systems where the presence of the elector was not required for registration. The requirement of personal application does not impose hardship upon the voter in a system of permanent registration, for ordinarily he is required to register only once in his life.

Specification 4.—The city or county registration officer or board to have full power to organize, direct and supervise the routine handling of registration and all incident clerical work.

Comment:

It is unwise to prescribe the clerical operations of the registration office in the election law. The organization

and procedure should be adapted to meet the circumstances, and should not be made inflexible by statutory provisions. For example, in the registration office of a large city the most feasible method of handling applications for registration at the main office during the rush period before an important election should be to have the work done by teams, dividing the work up between two or more clerks. One person might receive applications for registration, and after checking them, turn them over to a typist to prepare the record, and a third person administer the oath, secure the signatures and complete the act of registration. Other persons in the office could be assigned to inspect the record after it is completed, to look up the ward and precinct in which the elector resides and record this, to perform various other clerical tasks, and finally to place it in the respective registration files. The organization and division of work depends upon the amount of work to be performed, the number of employees, the abilities of the employees, and other matters which can be decided upon best by the officers in charge. If registration is conducted outside of the main office in branch offices, fewer employees and a different division of labor should normally be used. In the main office at slack times when the number of applicants is small the entire work of receiving registrations should be handled by a single person.

Under the prevailing system of precinct registration the routine clerical work is partly described by statute, and partly covered by instructions from the election office, but in the main it is left to the individual precinct registration board to be worked out as it may see fit. Considerable variation prevails from precinct to precinct, but nowhere is any effort made to systematize the work. The only way to se-

cure more economical and efficient performance of the work is to grant larger powers of direction and supervision to the city or county registration officers. This would not insure improvement, but it would make it possible.

The principal improvements which should be made in the routine handling of applications for registration may be pointed out. In the first place, the applications should be received by a single person, unless organized upon a team basis with each person doing a different part of the work as suggested above. The common practice of having a board of from two to six persons to do the work is absurd, and does not improve the quality of the output. A

second improvement in handling registration would be to require each person to fill in an application form, giving the information required for registration by answering questions on the application form. This is in use in Detroit, where it is found to expedite the work of taking registrations and also help to prevent clerical errors. A written application of this kind would make it entirely feasible to have the registration record prepared on the typewriter. It is not deemed wise to enact this provision into law, but rather to give the registration authorities discretion in the matter. The following sample form of an application for registration will illustrate the idea more fully:

NOTICE.—If you are already registered in (*Name of city*) and have changed your residence, do not make out this application for registration. Make out an application for transfer of registration.

APPLICATION FOR REGISTRATION
(Fill in with pen and ink. Do not use pencil.)

- 1. My full name is
First name Middle name Last or surname
- 2. I reside at
(Street number) (Name of street)
- 3. Floor..... Apartment..... Room No.....
(Fill in the above if they apply)
- 4. I have resided continuously at the above address since
Month Date Year
(The above may be answered by "life" if such is the case)
- 5. I was born in
(Name of state or county)
- 6. My occupation is
(Women voters who are not employed outside the home may answer by the word "Home")
- 7. Date of application

I hereby certify that I am a citizen of the United States, that I am not at present registered in (*Name of city*), that on the day of the next succeeding election I shall be at least twenty-one years of age, and a resident of the State of for at least year and (*Name of city*), for at least days, and that to the best of my knowledge I shall be qualified to vote, and that the above statements are true.

.....
Signature of voter

THIS APPLICATION MUST BE PRESENTED IN PERSON TO AN OFFICER IN CHARGE OF REGISTRATION. IT DOES NOT COMPLETE YOUR REGISTRATION. IT IS ALSO NECESSARY FOR YOU TO TAKE OATH AND SIGN THE AFFIDAVIT OF REGISTRATION.

Received by
(Signature of registration officer)

Specification 5.—The registration officer or board of the city or county to hear appeals from persons denied registration, provided that no appeals may be made later than five days after the close of registration prior to any election. The courts to hear appeals only from persons denied registration upon a previous appeal to the highest registration authority of the city or county.

Comment:

This specification is not of great importance. Many registration laws make no provision for appeal, though an appeal may be taken to the courts without express statutory provision on the point. Cases of this kind are extremely rare under most registration systems. It is, however, desirable to have a provision for appeal to the chief registration officer or board of the county or city, for this sort of an appeal is more convenient to the applicant who believes himself illegally denied the right to register.

In a few states the courts have interfered to an unwarranted extent in registration by issuing orders for registration more or less indiscriminately and in large numbers after the regular time for registration had passed. The proper function of the courts is to afford an appeal to any voter denied registration by the regular registration officers, and they should not usurp the work of the registration office by hearing applications for registration which are not appeal cases.

Specification 6.—Absentee registration (see comment).

Comment:

There is little need for absentee registration in a system of permanent registration in which the elector may register on any day of the year at the office of the city or county registration officer. In a system of permanent registration the simplest and most

feasible method of absentee registration is to require the absent elector to secure blank registration forms from his home registration office and appear before some officer authorized to administer oaths to have it filled in and the oath administered, before the regular close of registration. If the absent elector is within the state, it would be well to require him to appear before the local registration officer wherever he may be.

Specification 7.—The original registration under permanent registration to be conducted as above outlined.

Comment:

The original registration might be conducted by the precinct election officers with formal sessions in every precinct, but in practical operation this has been found to be unwise. The precinct officers are not competent to prepare permanent registration records with the high degree of care necessary. The better practice is to conduct the original registration at the central office and a sufficient number of outside branch offices in the large city or county to take care of the convenience of the voters. In this method the original registration may be closely supervised by the election office. It is necessary to have a larger number of branch offices and to keep them open longer than for succeeding registration periods after the system has been started, but otherwise the same procedure should be followed. Ordinarily it is sufficient to simply grant to the election board or commissioner full power and authority as to the matter of branch offices, but in some places it may be felt necessary to provide some safeguard to insure fairly equal registration facilities in all sections of the city or county.

G. CORRECTION OF REGISTRATION

This section includes all the means which may be used to keep the registra-

tion lists free from dead weight and corrected up-to-date. It is the most vital part of the registration system in a large city, particularly a system of permanent registration. The advisability of the adoption of a system of permanent registration rests upon the effectiveness of the means taken to keep the registers free of the names of voters who have died or moved away, and corrected to take care of removals within the jurisdiction. In order to prevent corrupt political machines from padding the registration in large cities it is necessary to make a house-to-house canvass of registered voters to ascertain whether they reside at the address given. This is true of annual registration as well as permanent, but in permanent registration the investigation of residence is more important, since this means is relied upon also to ascertain what voters have moved away from their registered residence since the previous year.

Any large city which adopts permanent registration should make use of all the various means for purging the books which have been found to be practicable, but in rural sections and smaller cities where the danger of fraudulent voting is less, it is not necessary to take all the precautions which are essential in large cities. The presence of a small amount of dead weight on the registration lists in such communities is not a serious matter, provided that some means is taken to prevent the indefinite continuation of dead weight upon the registers, and also to identify the voter at the polls.

Large cities with permanent registration use different methods to purge the lists: Boston relies upon an annual census of all adults which is made by the police; Milwaukee relies upon a canvass made by the police; Omaha uses a canvass made by responsible inspectors directly under the super-

vision of the election commissioner; while Denver and Portland, Oregon, depend almost entirely upon a system of cancelling the registration of electors who fail to vote within one or two years. There are also other methods of correcting the lists used by various places, with or without permanent registration, which will be described. Any place which will make use of all of these methods with any decent sort of administration can be assured that the registration lists will be effectively purged of dead weight.

Specification 1.—The official death reports secured from the officer in charge of vital statistics to be used to purge the registration books.

Comment:

This is a very practical and effective means of cancelling the registration of persons who have died, and thereby preventing the continuation of such names on the registers. It is in use in many places, and involves no serious administrative difficulties. It may be done during the slack period in the registration office, and costs practically nothing. It cannot be relied upon to cancel the registration of all deceased electors, since some deaths occur away from the residence of the person, but still it is fairly effective.

Specification 2.—A system of transfer to be provided whereby an elector who moves within the jurisdiction of the registration office may transfer his registration to the new address.

Comment:

The details of a transfer system require separate treatment, and are set forth in another section, but it is pointed out here that the system, if effective, corrects the registration for the bulk of removals, since the majority of removals are local.

Specification 3.—Registration of any elector to be cancelled upon failure to vote within a one-year period,

two-year period, or after a general election (depending upon the elections held within the state), but the elector whose registration is about to be cancelled should be notified of that fact and permitted to reinstate his registration by submitting to the registration office a signed request for reinstatement.

Comment:

This provision places a mild penalty upon non-voting and thereby stimulates voting, but its principal purpose is automatically to purge the registers of dead weight. It does not operate to disfranchise electors who have failed to vote, for they are notified and permitted to reinstate their registration by simply mailing a signed request to the registration office, or, failing to do this, may register by personal application at any time. The elector who fails to vote is not greatly inconvenienced by this provision, and if it is desired to provide a more substantial penalty for non-voting, he should be required to apply in person at the registration office for reinstatement or new registration. In Denver and Portland, Oregon, other methods of correcting the registration list are not used, because this method has been found to be so effective that it is not believed other methods are necessary. Removals or deaths which are not detected in some other way are automatically detected in this manner. Of course, it is possible for a corrupt political machine to continue dead weight indefinitely by always sending in a "repeater" to vote under the name of the dead or removed voter, but this is unlikely. Precaution against this can be made through a system of positive identification of every voter at the polls, which taken together with cancellation for failure to vote makes fraudulent voting extremely difficult.

In rural communities and cities of

less than 100,000 population the above three methods of correcting the registration lists are ordinarily quite ample. It would be possible to provide that the precinct officers of election or the local registration officer in rural sections should meet in formal session to revise the registration list, hearing challenges and correcting the register upon their own knowledge, but this is not at all necessary. It would entail additional expense without any proportionate return.

Specification 4.—The city or county officer or board in charge of registration to be given full power to make investigations of registration in either of the methods outlined below. In larger cities some systematic investigation of registration should be compulsory once a year, or biennially where elections are held only during alternate years, and the registration authorities should have the power to conduct investigations in all or a part of the city prior to other elections. The power to make such investigations should be given to the registration authorities in rural sections and smaller cities, although such investigations would rarely be necessary.

Method 1. A house to house canvass of all registered voters to be made by the police or other responsible persons directly selected by and responsible to the registration authorities.

Method 2. A census of all adult residents conducted annually or biennially, depending upon the frequency of the elections, which is checked against the registration lists and corrections and cancellations made accordingly. The census should be made by the police or by responsible persons selected by the registration authorities and directly responsible to them.

Comment:

The first principal point of this specification is that full power to make

all needed investigations should be given to the registration authorities, who may then be held responsible. This is essential in any large city, and should be provided elsewhere. This does not mean, however, that full discretion as to the means to be used should be vested in the local authorities; this might well be described by statute, though it is not well to restrict the methods of investigating registration too narrowly.

In larger cities, it is wise to make some systematic city-wide investigation compulsory every year or every two years. The registration authorities may neglect to make such investigation unless it is compulsory, or may be prevented from doing so by the failure of the city council or county board to provide funds. They should have the power to conduct such investigations in all or a part of the city or county prior to other elections as they may deem necessary. In Omaha the election commissioner has a canvass made of the downtown sections and the river wards before every election, but the entire city is canvassed only before the general fall elections.

In either method of investigation of registration outlined above the most important consideration is to secure responsible persons to make the investigation. If the police can be relied upon, they should be used, for they are normally more responsible than temporary employees. A policeman is subject to discipline and has a job to lose if it can be proved that he has failed to perform his duty or has committed fraud. Yet in many places, because of the reputation of the police force and their connection with the political machine, it may be unwise to use them for this purpose. The problem then is to secure responsible individuals to make the investigation. In Omaha the county election com-

missioner personally selects (usually upon his own knowledge and acquaintance) precinct inspectors to do this work, irrespective of party affiliation and with no recommendation from the party organizations. Only one person is used to the precinct, and the position is looked upon as one of authority and responsibility. Competent, responsible, outstanding citizens are secured to act as inspectors, a large part of them being attorneys.

The second method, which provides for a census of all adult residents, is used in Boston and other Massachusetts cities. It is superior to the house to house canvass of registered voters in several important respects: first, it is more definite in assignment, and may be more easily checked up on; second, it requires positive information, while the canvass does not (the canvasser may conduct his canvass on the street corner or rely upon the information secured from the precinct political captain, but the census enumerator of all residents must go to every house to get the names and other information); third, it makes possible for the registration authorities to transfer the registration of voters who have moved within the city or county without an application from the voter. In Boston the census cards contain the residence of each person on the date of the preceding census, which is secured in practically all cases. If the person is registered at the previous address, the registration is transferred to his new address. Another advantage of the census is that it does not have to be made as hurriedly as the canvass of registered voters. The canvass of registered voters is made after the close of registration and the street lists have been prepared, and not much time remains for the registration authorities to handle the reports of the canvass, send out challenges, hear cases, and clean up all

matters before the day of election. If a census of all residents is used it may be made several months before the election and all old registrations checked against it and corrections made before the rush of new registrations starts. Registrations made after the census has been taken may be checked against it also, but in a system of permanent registration the number of new registrations is fairly small, and this work is not difficult. A special investigation should be made of any new voter who was not listed in the census.

Where the census is used it is necessary for the registration office to notify each voter whose name is about to be cancelled. Voters whose registration is transferred should also be notified.

It is more expensive to conduct a census of all residents than to make a canvass of registered voters only, though a census of all adult residents may be made with considerably less cost than that of the canvass by the precinct officers as it is now conducted in a number of cities. The cost of making the canvass of registered voters in Omaha, for example, is only 2.8 cents per registered voter, while the cost of making the census of adult residents is 5.7 cents per registered voter in Brookline, Massachusetts. The cost of making the canvass of registered voters in Kansas City by the precinct clerks of election is 9.6 cents.

The cost of making either a canvass or a census is not great, provided that only a single person is used to do the work. The experience of Chicago, St. Louis and Kansas City indicates that there is no value secured from having two persons, representatives of opposite political parties, to make the canvass together. Much better work is secured by using a single responsible person, selected without regard to party affiliation, and not upon the nomination

of the precinct captains. The census of all adult residents is preferable to the canvass, and if properly conducted the cost is not large.

With either system of making an investigation, the canvass or the census, there should be systematic records provided for the work. Where the canvass of registered voters is made, it is usual to provide the canvassers with lists of voters arranged by streets and numbers, and in Milwaukee this is done by pasting the printed street lists into convenient sized books, arranged with columns to enter a memorandum of "o.k.," or "moved," "dead," or "moved to 917 South Water Street." If a census of adult residents is made, there should be an individual card record for each resident listed, with the name, address, sex, address for the previous year when the census was made, name of informant, and date and signature of officer making the census. There should also be a master card file covering every building of the city, showing the nature of the building and the number of resident suites or apartments, which should be used in making the assignments to the census takers and also to check up on their work. This system of records has been developed in Boston and found to work very satisfactorily.

Specification 5.—The registration officers of the city or county to be given authority to use other reliable means in their discretion to correct the registration lists, such as the use of the mails, information of removals secured from the post office, city directories, moving reports, tax assessments, gas, telephone, electric and water orders for change or discontinuation of service. Any person whose registration is about to be cancelled or changed upon the basis of such information should be notified of the fact through the mails as a precaution against mistakes.

Comment:

Some of these various sources of information can be used to advantage in any large city or county, though because of the nature of the reports available, in many cases it would not be feasible to use others. The registration authorities should have the power to make use of these or other reliable sources of information to correct the registration in order that they may do so where they deem it advisable or necessary.

It would be possible to mail to each registered voter a formal notice, with notice to the postman to return all undeliverable notices directly to the election office, and use the returns to purge the registration. As a city-wide check upon registration this method has distinct drawbacks, but as a means of checking up on the registration of individual voters or certain precincts, this method has some merit. In San Francisco an official election pamphlet is mailed to each voter, and the undeliverable pamphlets are not forwarded, but are returned to the election office and the registration of these persons challenged.

The post offices at present render to commercial firms an address correcting service of mailing lists. Private firms turn over their mailing lists to the post office and have the changes of address recorded, thus bringing their lists up to date. They are required to pay for the clerical work required. This is a service which might well be used by the registration office.

The other sources of information do not require detailed comment. Where they are reliable and fairly comprehensive, they can be used to considerable advantage by the registration office, especially as a means of correcting the registration lists prior to elections before which no canvass or census throughout the city is made. The use of these

sources of information is subject to the limitation that none of them or all of them put together will reach every voter who moves within or without the city or county, but, on the other hand, an intelligent use of most of these would detect most removals. The work incident to the use of these sources of information would come largely during the slack period of the year for the election office, and consequently could be done at a very small additional cost. The morale of most election offices is low because of the enforced idleness during most of the year, and additional work of this kind would be distinctly worth while from the standpoint of office administration.

Specification 6.—Any citizen to be permitted to challenge the registration of one or more registered voters. The challenge should contain the name and address of the registered voter, the grounds of the challenge, and the signature of the challenger and should be filed not later than one week prior to the election. Such challenge to be heard by the county or city registration officers at such time as they may fix, after notice has been served upon the challenger and the challenged voter, and an investigation made of each case. It should be made a misdemeanor for any person to challenge the registration of any person in bad faith, or without reasonable evidence that such person is not qualified to vote.¹

¹For fear that it may be used as an instrument of oppression against persons seeking to clean up the lists, Mr. Thomas Raeburn White does not approve the provision making it a misdemeanor for anyone to challenge a registration in bad faith or without reasonable evidence. Mr. White suggests further that failure of an elector, against whom a challenge has been served at the residence given on the registration list, to appear shall be *prima facie* evidence that he is not entitled to be registered and shall cause his name to be stricken off.

Comment:

Some provision of this kind is necessary to enable any civic organization to take effective action in cleaning up registration when it becomes necessary. In practical operation, however, such challenges are rarely filed, and almost never by a private citizen on his own behalf. In order to avoid indiscriminate challenges it is advisable to require the challenger to state the grounds of the challenge and sign his name, and also to provide that the registration officers shall investigate the case before the hearing is held.

H. TRANSFER OF REGISTRATION

Specification 1.—Any voter who moves within the city or county to be permitted to transfer his registration to the new address by sending in a signed request to the registration office.

Comment:

This system of transfer is used very successfully in Milwaukee, Minneapolis and St. Paul. It does not require the elector to make a trip to the registration office, for he can send in his application for transfer by mail or otherwise. The registration office does not have to make out a new record, for the new address is merely recorded and the record transferred to the proper precinct. It also insures the cancellation of the registration in the old precinct, thereby removing the largest source of dead weight upon the registration books. In Milwaukee the election office distributes blank transfer applications with full instructions on each blank to political workers and others, and the newspapers also print the forms for the use of their readers, who may, if they wish, slip the form from the newspaper and send it in to the election office. However, the use of the regular application form for transfer is not required, and any elector may

transfer his registration simply by writing to the election office, giving his old address, his new address, and signing his name. The signature is compared with that on the registration record to safeguard against spurious applications.

Specification 2.—The form for the application for transfer to contain spaces for the name in full (with instructions to print or write very plainly), the old and new addresses in detail, the date of removal to the new address, and the signature.

Specification 3.—Transfer of electors who are unable to sign their names to be made only upon personal application at the registration office where they may be identified by use of the personal description data on the registration record.

Specification 4.—Applications for transfer to be received up until the close of registration and not afterwards, except for voters who have moved after the close of registration and who are legally qualified to vote from the new address.

Comment:

All applications for transfers should be made before the regular close of registration in order that the registration office may have time to prepare accurate printed lists of voters, and clean up its records in time for the election. However, persons who move after that time should not be disfranchised, and applications for transfer should be received from such persons, provided that they appear in person at the central office, take oath that they have moved since the close of registration, and will be legally qualified to vote from their new address.

Specification 5.—Where a census of all residents is made annually or biennially the registration of all registered voters to be transferred if they are found to be registered at the address given on the census report as the address of the previous year. The

registration office should also have the power to make transfers upon the basis of reliable information, such as removal of gas and electric service, without requiring the voter to make a signed request, but notice should be mailed to the voter as a safeguard against errors.¹

Specification 6.—Any voter who moves outside of the jurisdiction of the local registration officer (county or city) to be required to register anew, but in such cases the registration officer should send a cancellation notice to the registration office of the previous residence.

Comment:

It would be possible, but hardly feasible, to provide for transfer of registration throughout the entire state, so that the voter once registered may never have to register again so long as he resides within the state. The clerical work involved and the necessary delays would make this inadvisable, however, for many of the transfers would be made at the close of the period of registration and there would not be time to clear all the cases up before the election. The better practice is to require the voter to register anew, and to provide that such voters upon being registered shall be required to sign an authorization of cancellation of the previous registration, to be forwarded to the proper registration officer. This is done in California at present.

I. IDENTIFICATION OF THE VOTERS AT THE POLLS

Specification 1.—All voters to be positively identified at the polls by requiring them to sign their names when they apply to vote and by comparing the signature with that on the registration record.

Comment:

Identification of voters at the polls is

¹ Mr. White considers that the power to make transfers on such "reliable information" is dangerous.

one of the prime purposes of registration, though most registration systems employ antiquated means, or none at all. An effective, positive identification of every person applying to vote as to whether he is the identical person registered constitutes the most effective means of preventing voting frauds. If positive identification could always be secured there would be little reason to fear fraudulent voting, and little need for other precautions against it. Of course, it is impossible under any system of registration to secure positive identification of all voters, because the identification must be made by the precinct officers of election, and in the worst precincts of a large city the officers of election are frequently indifferent or are subject to the orders of the precinct politicians. Under such circumstances no mechanical system of identification can guarantee the desired results, but on the other hand the method used will have much to do with the character of identification secured.

There are several methods of identification which could be used. The signature method is specified. The most common means now used is to enter on the registration record a personal description of the voter with such items as age, height, weight, color of eyes, hair, or other marks of identification. Another method which has been proposed by a few persons would be to identify the voter by the fingerprint method.¹ The last method is quite out of the question at present.

¹ Mr. H. A. Nichols suggests that it would be feasible to include a photograph of each registered voter upon the registration records to be used to identify him at the polls, and also to issue an official certificate of registration with a copy of the photograph (much as passports). The certificate could be stamped upon the back each time the elector votes. The committee, however, is unable to approve this proposal, which it believes would deter voting and add greatly to the cost of registration.

It would raise a tremendous roar of objection on the ground that it classifies voters with criminals. It would be difficult if not impossible to administer, since precinct election officers are not finger print experts. It would slow up the process of voting and require more precinct officers.

Practically all registration systems in large cities include some personal descriptive items, which theoretically are used at the polls to identify the voter. The greatest drawback to this method of identification is that in the rush at the polls the precinct officers do not have the time or inclination to identify the voter by use of these items, and practically never use them except when the applicant to vote is challenged. The various items cannot be used positively to identify the voter, for the precinct officers cannot be expected to measure the height or take the weight of the applicant to vote, and age is only a rough means of identification. Many voters strongly object to these items of personal description, especially the exact age and weight. This method of identification is scarcely worth the ink required to record the items upon the registers.

The use of the signature is the ideal method of identification. It is positive, can be applied readily to every voter, and gives rise to no sound objections. It unquestionably should be a feature of every system of registration. Even in rural sections where normally every applicant to vote is personally known by the members of the precinct election board it would be a good practice. A permanent record is made when the vote is cast; a signature must be written on the poll books. The requirement that each voter sign his name in the poll book when he votes would put a stop to practically all fraudulent voting which is still carried on in rural sections. In cities of any

considerable population the signature identification is almost indispensable to sound registration.

There is one objection raised against the use of the signature to identify the voter at the polls: that it would slow up the process of voting and make it more expensive. The best answer to this objection is the successful operation of the system in New York City and other cities of the state of New York, Omaha, several cities in Minnesota, and the state of California. It has not been found that the signature slows up the process. Election officers state that not a single complaint of this kind occurs in practical operation. This objection is theoretical, though it is usually raised by self styled "practical" men. It is a very simple operation to make the comparison of the signatures of the voter.

Specification 2.—Voters who are unable to sign their names to be identified in the following manner: All such voters would be required to state their height in feet and inches, color of eyes, and date of birth when they registered, and this data would be recorded in the "Remarks" space on the registration record; when any such voter appeared to vote he would be required to answer questions covering the same items, which would be recorded upon a suitable form, and then comparison made with the items on the registration record.

Comment:

This system of identifying voters who are unable to sign is found in New York City, where it is said to work effectively.

In rural sections or smaller cities where voters are usually personally known it may be unnecessary to require a written record of the identification of such voters. For such places the written record may be done away with, and the responsibility for identifying

the voter upon the basis of the personal description items may be placed upon the election officer in charge of the work.

Specification 3.—The voter to be required to sign his name at the polls in a roster of voters or upon a card form provided for this purpose. In either case the election officer in charge should be required to sign his name immediately after he has made the comparison.¹ If cards are used, they should be immediately dropped into a locked box provided for the purpose.

Comment:

The roster of voters in which each voter signs is in use in California, and works quite satisfactorily. Each voter signs the roster when he appears to vote, and then the signature is compared with that on the registration record. The only disadvantage of the system is that it is a little cumbersome to make the comparison, for the two signatures cannot be placed side by side.

In Minneapolis the voter is required to sign on a voting certificate card, which may be placed on the registration record beside the original signature and the comparison quickly made. This system facilitates actual comparison, but there is a somewhat greater danger that the signatures of the voter may be lost, and the psychological influence upon the voter is perhaps greater when he signs a "Roster of Voters" in the form of a bound volume.

It is difficult to devise any system which will guarantee an actual comparison of the signatures of the voter. Precinct election officers even in the best precincts are apt to be careless of this, and in the worst precincts may make a farce of the comparison. It is not necessary to despair because of this, however, for the possibility of a comparison being made is usually enough to prevent impersonation. The

¹ Mr. White calls attention to the fact that this will slow up the election considerably and will be opposed by legislators on that ground.

election law should require that the precinct election officer should sign his name on the card or the roster of voters after making the comparison, as a means of fixing the responsibility. The signature should be made immediately after the comparison is made. In New York City the election officers frequently let it go until the end of the day and then run through the signature register and sign up the entire book at one time. This practice makes the signature of the election officer meaningless.

Specification 4.—The comparison of the signatures and the identification of a voter who is unable to sign should be made in such a manner that political watchers or others present at the polls may also make a comparison.

Comment:

This provision is contained very specifically in the California law. It is a wise provision, for it places another and very appreciable danger in the way of impersonation.

J. MISCELLANEOUS PROVISIONS

Specification 1.—The registration authorities of the city or county to be given the power to issue a certificate of registration on the day of election in order to correct for clerical mistakes, which certificate will entitle the holder to vote in the precinct in which he is registered.

Comment:

The number of clerical mistakes of this kind under a good system of records should be negligible, but still it is advisable to give the registration office the power to rectify its own errors.

Specification 2.—Any voter who changes his or her name by marriage or otherwise to be required to register anew.

Comment:

This is necessary to avoid clerical errors and also to secure the signature of the voter as it will be signed at the polls.